

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53513 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

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KARI YADAV @ JITENDRA YADAV Son of Shyam Yadav Resident of
village - Gangapur, P.S.- Lakhnaur, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Rajesh Kumar, Adv. Mr. Udeshya Yadav, Adv.
For the Opposite Party/s :		Mr. APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-03-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for
the offence under Sections 366(A), 376(3)/34 of the Indian
Penal Code.

The minor sister of the informant is said to have
been kidnapped by the petitioner and others.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case due to
village politics. He further submits that the alleged
occurrence took place on 14.09.2021 and the F.I.R. has been
registered on 17.09.2021 after laps of two days without any



explanation of delay. He further submits that it appears from the F.I.R itself that the informant is not the eye witness to the alleged occurrence and merely on the basis of suspicion, he has been made accused in this case. No such occurrence as alleged in the F.I.R. ever took place. The petitioner is rotting in judicial custody since 19.09.2021.

Learned A.P.P. for the State on the other hand vehemently opposed the prayer for bail of the petitioner on the basis of material available on record and the case diary and submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has committed rape upon her and the medical report also supports the statement of the victim.

Considering the facts and circumstances of the case and the age of the victim who is minor, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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