

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57543 of 2022

Arising Out of PS. Case No.-271 Year-2012 Thana- KAHALGAON District- Bhagalpur

Prem Yadav Son Of Lagina Yadav R/O Village- Rampur, P.S.- Kahalgaon
(SHIVNARAYANPUR), District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Jitender Kumar
	:	Mr. Himanshu Shekhar
For the Opposite Party/s	:	Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 01-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 448, 341, 323, 376(2)(g), 504, 34 and 379 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, all the accused persons are said to have pulled the informant from the 'Ashram' and took her to the field and committed her rape and when her sister Neelam Kumari rushed to save her then she was assaulted and raped by one of the accused person.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is dispute between the informant and her sister with other co-accused with regard to



their occupation in the aforesaid 'Ashram', which is admitted in the FIR itself and the petitioner has nothing to do with the affairs of the aforesaid 'Ashram'. He submits that similarly situated other co-accused person has already been granted bail by a bench of this Court vide order dated 19.03.2014 passed in Cr. Misc. No. 34636/2013 and vide order dated 07.10.2013 passed in Cr. Misc. No.13866/2013. He further submits that petitioner has got two criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submits that this anticipatory bail application is not maintainable in view of Section 438(4) Cr.P.C. Hence, he does not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact that earlier the anticipatory bail application of the petitioner was dismissed by this Court, I am not inclined to enlarge the petitioner on bail in connection with Kahalgaon (Shivnarayanpur) P.S. Case No. 271/2012. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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