

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68347 of 2023

Arising Out of PS. Case No.-260 Year-2022 Thana- SISWAN District- Siwan

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Vishal Yadav @ Bichhiya, S/O- Nagendra Yadav R/O- Village- Gudari Hatta,
P.O.- Siswan, P.S.- Siswan, Dist.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Siswan P.S. Case No. 260 of 2022, lodged on 24.10.2022 under
Sections 366(A)/34 of the Indian Penal Code and later on vide
order dated 28.02.2023, section 376 of the Indian Penal Code
has also been added.

3. As per the prosecution case, the allegation of
section 366(A)/34 of I.P.C. is there in the FIR in which section
376 of the I.P.C have also been added after the statement of the
victim under section 164 Cr.P.C.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He also
submits that in the statement under section 161 Cr.P.C., the



alleged victim has not supported the prosecution version, but subsequently, before her statement under section 164 Cr.P.C., she has completely turned and made the allegation against the present petitioner. He further submits that the petitioner is in custody since 04.01.2023.

5. Learned counsel for the petitioner submits that from the statement under section 161 Cr.P.C. which was stated before the police, it transpires that every event has taken place with consent. He also submits that in the FIR, the age of the victim has been shown as 19 years. Learned counsel for the petitioner submits that in this background, the petitioner deserves for bail. He further submits that there are 4 criminal cases pending against the petitioner, but he is on bail in all the cases.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and he is accused in 4 more cases and particularly in the light of statement under section 164 Cr.P.C., the ingredients of section 376 I.P.C. is there.

7. In the light of the submissions made above and also in the light of going through the rejection order dated 05.09.2023 passed by Additional Sessions Judge 1st-cum-Special



Judge, Siwan in Trial No. 359 of 2023, it transpires to this Court that the charge has already been framed in this case and the case is going on at the evidence of prosecution witness. So, in this present facts and circumstances, this Court is not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Siswan P.S. Case No. 260 of 2022, pending before the learned Additional District and Sessions Judge, 1st-cum-Special Judge, Siwan is hereby rejected.

9. However, the petitioner is granted liberty to move for regular bail after stage of section 313 Cr.P.C. when the Trial Court shall release him on bail imposing its own conditions so that he may not evade his appearance during trial.

10. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J.)

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