

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44948 of 2024**

Arising Out of PS. Case No.-78 Year-2024 Thana- ARARIA District- Araria

Kailash Yadav Son of Manik Lal Yadav @ Manik Chand Yadav R/O Vill.-
Baitauna, Ward no.-05, P.S.- Baunsi- Basetti, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the State : Mr. Ashok Kumar Singh, APP
For the Informant : Mr. Kritya Nand Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant. Perused
the case diary.

2. The petitioner seeks bail in connection with Araria
P.S. Case No. 78 of 2024 instituted for the offence under Section
376 of the Indian Penal Code.

3. Prosecution case in short is that brother-in-law of
the informant had committed rape upon the informant after
administering intoxicated injection.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 01-02-2024. Petitioner is a
man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. It is submitted that there is lapse of four days in lodging of the FIR. Learned counsel next submits that informant has not supported the prosecution case recorded under Section 164 of the Cr.P.C. and medical report also does not show any sign of rape. It is submitted that both the parties are relatives and on the instance of her brother, the present false case has been lodged by the informant. Charge sheet has been submitted in this case.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph Nos. 10 & 11 of the case diary, it is submitted that witnesses have supported the prosecution case. It is next submitted that paragraph No. 14 of the case diary is statement of the victim recorded under Section 161 of the Cr.P.C and she has alleged that petitioner had committed rape upon her.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with



two sureties of the like amount each to the satisfaction of
Court below/concerned Court in connection with Araria P.S.
Case No. 78 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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