

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53221 of 2024

Arising Out of PS. Case No.-108 Year-2023 Thana- NADI District- Supaul

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NITISH YADAV @ NITISH KUMAR YADAV @ NITISH KUMAR SON
OF KAPILDEO YADAV RESIDENT OF KAMRAIL, TOLA-BHAGWAIT,
WARD NO.05, POLICE STATION - MARAUNA, DISTRICT - SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Arun, Advocate
For the State	:	Mr. Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 03-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 366 and 34 of the Indian Penal Code.

3. As per prosecution case, on the alleged date and time of occurrence, this petitioner, along with other accused persons named in the F.I.R., abducted the daughter of informant and committed rape.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this casen. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that he, along with other accused persons, committed rape. Moreover, the victim in her statement recorded under Section 164 of the Cr.P.C. has specifically stated that all the three accused persons, including this petitioner, forcibly took her to Bhagat where she was kept inside a room and thereafter, this petitioner and co-accused Mukesh Kumar committed sexual assault against her.

6. Considering the aforesaid facts and circumstances, nature of accusation and statement of the victim recorded under Section 164 of the Cr.P.C., the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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