

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54353 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- TARABARI District- Araria

Lalit Yadav, Son of Shyam Yadav @ Shobha Yadav, Resident of Village-
Matnaza Sharanpur, Ward No. 03, P.S.- Tarabari, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha, Advocate
For the State	:	Mr. M. K. Nirala, APP
For the Informant	:	Mr. Ramesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard Mr. Gopal Kumar Jha, learned Advocate for the
petitioner and learned APP for the State. The informant appears
suo motu through Mr. Ramesh Kumar Singh, learned Advocate.

2. The petitioner seeks regular bail, who is in custody
in connection with Tarabari P.S. Case No.43 of 2024 registered
for the offences punishable under Sections 376 and 457 of the
Indian Penal Code.

3. Allegedly while the informant was sleeping in her
house, the petitioner after finding her alone, after breaking the
lock of the door entered in the room and forcibly committed
rape.

4. Learned Advocate for the petitioner contended that
from the F.I.R., it would be evident that the alleged occurrence
took place on 31.03.2024, but surprisingly the present F.I.R. has



been instituted on 04.04.2024. The medical report also does not corroborate the allegation of fresh sexual assault. It is also contended that during the course of investigation, statement of the sister-in-law (Bhabhi) of the informant was recorded, who categorically stated that her house is just in front of the house of the informant, but in the fateful night, i.e. on 31.03.2024, she has not heard any *hulla*. It is the contention of the petitioner that there is enmity between both the family, which resulted into lodging of the present F.I.R. and now the petitioner is in custody since 04.04.2024.

5. On the other hand, learned Advocate for the State and the informant vehemently opposes the bail application and submit that the informant in her statement recorded under Section 164 of the Cr.P.C. has categorically stated that it is the petitioner, who committed the alleged crime of rape upon her. The statement of the victim was also corroborated by her family members, as is evident from paragraph nos. 25 and 26 of the case diary. Learned Advocate for the informant further contended that during the course of investigation, the lock of the room was found broken, which also support the case of the prosecution.

6. Regard being had to the submissions made on



behalf of the parties and considering the specific nature of accusation, supported by other witnesses, this Court is not acceded to the prayer of the petitioner.

7. Accordingly, the prayer for grant of bail of the petitioner is rejected.

(Harish Kumar, J)

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