

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64263 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- BAGHA District- West Champaran

Pratap Yadav Son of Late Dasarath Yadav Resident of village - Goeti, Police
Station - Bagaha, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Bachcha Chaudhary Son of Tufani Chaudhary Resident of village - Goeti,
Police Station - Bagaha, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-10-2024 A Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Sections
363, 366A, 323, 504, 379, 506 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that his neighbor Ashok Sahani and Sirkali
Devi on 16.05.2023 took his minor daughter aged about 16
years to Bagaha market, when his daughter did not return, the
informant along with his wife went to the house of Ashok to
inquire when they abused and assaulted. It is next alleged that



for the said occurrence dated 16.05.2023 the accused persons including the petitioner on 18.5.2023 came and asked the informant to withdraw the case filed by him and thereafter assaulted him and took away jewelry and valuable articles.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It has been next submitted that petitioner has been made an accused in the instant case in the second part of the application as alleged in the FIR. It is also submitted that though the order impugned records that the victim in her statement recorded under Section 164 Cr.P.C has stated that petitioner along with Ganga Sahni forcefully took her in a hut where on point of knife she was raped, the learned counsel submits that the order impugned inadvertently recorded the said fact as the victim has not alleged anything against the petitioner. On query of the Court as to on what basis the said pleading has been made at para 9 of the anticipatory bail application, the learned counsel fairly submits that he has not seen the statement of the victim recorded under Section 164 Cr.P.C but the said statement has been made based on instruction of the deponent. Learned counsel submits that he has a copy of the case diary wherein the statement of the victim was recorded under Section 161 Cr.P.C



and she has not named the petitioner on which the learned APP submits that he has gone through the case diary provided by the learned counsel appearing on behalf of the petitioner and it appears that the father of the victim has been made an accused while victim has been shown as daughter of Ashok Sahni.

5. Learned A.P.P. opposes the bail application.

6. Be that as it may, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner, accordingly the same is rejected.

(Satyavrat Verma, J)

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