

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69849 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- BANDHUWA KURAWA District- Banka

1. SUNIL YADAV @ KUMAR SON OF GOVIND YADAV RESIDENT OF VILLAGE - KOTHADIH HANUMATTA, PS- BANDHUWA KURAWA, DISTT- BANKA
2. MANGARA YADAV @ MANGRU KUMAR YADAV SON OF KURAN YADAV @ PURAN YADAV RESIDENT OF VILLAGE - HANUMATTA, PS- BANDHUWA KURAWA, DISTT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 16-04-2024 1. By order dated 29.2.2024, the application for bail on behalf of the petitioner no.2 Mangara Yadav @ Mangru Kumar Yadav has been withdrawn. The instant application confined to petitioner no.1 alone.

2. Heard learned counsel for the parties.

2. The petitioner no.1 has preferred this application for grant of regular bail in connection with Bandhuwa Kurawa P.S.Case no.39 of 2023 registered under sections 376, 341, 323, 504 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that both the petitioners committed rape on her. While going they threatened that they would burn her house in case she



disclosed about the occurrence to any person.

4. It is submitted by learned counsel for the petitioner no.1 that he has been falsely implicated in the case. For an occurrence alleged to have taken place on 23.4.2023, information was given to the police and the FIR registered after a delay of five days on 28.4.2023 without any explanation for the same. The medical report has not supported the prosecution case. The petitioner is in custody since 6.6.2023 and chargesheet has been submitted in the case. The petitioner no.1 does not have any criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the direct allegations against the petitioner no.1 of having committed rape on the informant, the Court is not inclined to enlarge the petitioner no.1 on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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