

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73733 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- KHANPURA District- Samastipur

NATHUNI YADAV S/O JIYA LAL YADAV R/O VILLAGE- MUJARI, P.S-
KHANPUR, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms.Swati Mishra, Adv.
For the Opposite Party/s :	Mr.Shailendra Kumar, APP.
	Mr. Ajay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 10-04-2024 Heard learned counsels for the parties.

2. The petitioner seeks bail in connection with Khanpur P.S. Case No. 212 of 2022 registered for the offences punishable under Sections 341, 323, 324, 506, 376 of the Indian Penal Code.

3. Allegedly, petitioner is said to have tried to commit rape with the informant on the point of sickle and when the informant protested against the same, he assaulted her with sickle causing injury on her jaw and cheek.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no offence. No such occurrence as alleged in the FIR has ever taken place. Petitioner has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. The petitioner is brother-in-law



of the informant. He has been made accused in the present case due to land dispute. It is further submitted that it is impossible to commit rape upon the informant in broad day light especially when 3-4 other ladies were working at the place of occurrence. The medical board has not found any sign of sexual assault upon the victim's body. Petitioner has no criminal antecedent as mentioned in para-3 of this application and he is in custody.

5. Learned APP for the State opposes the prayer for bail and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which she has supported the prosecution case. The FSL report in connection with Khanpur P.S. Case No. 212 of 2022 has also supported the prosecution case. Hence, the petitioner does not deserve to be enlarged on bail.

6. Considering the facts and circumstances of the case as well as the statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for bail is hereby rejected.

7. Accordingly, this application is dismissed.

8. The trial court is directed to expedite the trial.

(Anjani Kumar Sharan, J)

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