

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89404 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- MAHILA P.S. District- Banka

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- 1 . Sanjay Yadav S/O Sahdeo Yadav Resident of village- Thebri, Police Station Katoriya, District- Banka
 2. Congress Yadav Son of Baldeo Yadav Resident of village- Hathgar, Police Station- Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar , Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-01-2025 Heard learned counsel for the petitioners and the State .

2. Petitioners apprehends arrest in a case registered for the offence punishable under sections 376 and 506 of the Indian Penal Code .

3 . As per the prosecution case , on 15.03.2024 at 11:00 AM , when informant was going to her maternal uncle house situated at village Thebri from her parental house and reached at Sarkatta Dam by the side of jungle , in the meantime time these petitioners caught hold of her hand and took her towards jungle , gagged her mouth by Gamcha and committed rape with her.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case . As per F.I.R., the alleged incident took place on 15.03.2024 and the present F.I.R. was lodged on 30.03.2024 after the delay of 15 days which clearly shows that it is an after thought. It is further submitted that it is highly improbable that petitioner No. 1 who is own Sala of petitioner No. 2 will co-jointly commit such an act. Informant is married lady aged about 2 years and the entire prosecution case has been filed in order to blackmail and put pressure upon the petitioner.

5 . Learned counsel for the State opposed the prayer for bail and submitted that petitioners are named in the F.I.R. with specific allegation that they committed rape with the victim and also the victim in her statement recorded under Section 164 Cr. P C has supported the prosecution case .

6. Considering the statement of the victim recorded under Section 164 Cr. P C and gravity of offence , prayer for pre-arrest bail of the petitioners is rejected.

(Prabhat Kumar Singh, J)

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