

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28782 of 2015

Arising Out of PS.Case No. -17 Year- 2015 Thana -MAHILA P.S. District- BHAGALPUR

- =====
1. Abla Yadav @ Abla Yadav son of Sikendra Yadav
 2. Gugo Yadav son of Barhmi Yadav Both residents of Bangali Tola, Mahashay Deohari Jhoparpatti, P.S. - Nathnagar, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha

For the Opposite Party/s : Mr. Shardanand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-07-2015 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case instituted under Sections 376(D) of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offence Act.

The prosecution story, in short, is that on 12.3.2015 the informant along with eight girls had gone to cut the grass in Mohanpur Bahiyar. At 2.00 P.M. accused persons came and told filthy words then other girls fled away after that these petitioners tied the mouth of the informant and both committed rape on the informant one after another.

On behalf of the petitioners, it has been submitted that the petitioners have got no criminal antecedent. The occurrence is said to have taken place on 12.3.2015 but the written

report was made on 13.3.2015. There is previous enmity. It is further submitted that there is land dispute between the parties. The informant has retracted from her own statement and she has filed a petition in respect to the same before the court below, which is Annexure 3 to the present application. The medical report, Annexure 4, also indicates that there was no sign of rape.

On behalf of the State, it has been submitted that the petitioners are named in the FIR.

Considering the aforesaid facts, let the above named petitioners, in the event of his arrest or surrender in the court below within a period of four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Bhagalpur in connection with Mahila P.S. Case No. 17/2015, subject to the conditions as laid down u/s 438(2) Cr.P.C.

(Sudhir Singh, J)

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