

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.618 of 2015

Arising Out of PS.Case No. -34 Year- 2014 Thana -MAHILA PS District- KHAGARIA

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1. Mithilesh Yadav, son of Late Bisho Yadav.
 2. Garib Yadav, son of late Ganesh Yadav.
 3. Bikash Kumar, son of Udgar Yadav.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 08-01-2015

Power is filed on behalf of the informant.

Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State as well as learned counsel appearing for the informant.

Initially, the case was registered under Sections 341, 323, 354, 506, 504 of the Indian Penal Code but after completion of investigation, charge sheet has been submitted for the offences punishable under Sections 341, 323, 504, 376/511 of the Indian Penal Code and 3(i) (xi) (x) of S.C./S.T. (Prevention of Atrocities) Act.

The ferdbeyan of the informant discloses that on the alleged date of occurrence, petitioner no. 1 caught her from back



side and when she made protest, she was assaulted and abused by the petitioner no. 1. So far as petitioners no. 2 and 3 are concerned, it appears from perusal of the ferdbeyan of the informant that their names were inserted later on. Moreover, there is no allegation of any overt-act against the petitioners no. 2 and 3. In course of investigation, the statement of informant was recorded under Section 164 of the Cr.P.C. in which she levelled allegation of rape against all the three petitioners.

Considering the aforesaid facts and circumstances as well as submissions of the parties, the prayer for anticipatory bail of petitioners no. 2 and 3 is allowed and it is ordered that petitioners no. 2 and 3, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Khagaria in Khagaria Mahila P.S. Case No. 34 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

So far as prayer for bail of petitioner no. 1, namely, Mithilesh Yadav is concerned, the same stands rejected.

However, it is made clear that if petitioner no. 1

seeks regular bail before the concerned court, the same shall be considered by the concerned court on its own merit without being prejudiced by this order.

(Hemant Kumar Srivastava, J)

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