

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16986 of 2015

Arising Out of PS.Case No. -46 Year- 2014 Thana -MAHILA PS District- KATIHAR

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1. Arvind Kumar Yadav @ Arvind Yadav son of Tirtha Nand Yadav,
resident of village- Chandwa, P.S.- Rautara, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

6 17-09-2015 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is named with direct allegation of rape and
the victim has supported the above allegation in her statement
recorded under Section 164 of the Cr. P.C.

The contention on behalf of the petitioner is that the present
case has been lodged after five days of the alleged occurrence and
as a matter of fact prior to institution of the present case, the
maternal grandmother of the informant lodged almost a similar
type of case i.e. Rautara P.S. Case No. 43 of 2013 against the
petitioner and prior to the institution of the aforesaid case, one
Pushpa Devi, who happens to be witness of the present case, also
lodged Rautara P.S. Case No. 13 of 2009 against the petitioner.

It is submitted that as a matter of fact all the above stated cases were filed against the petitioner on account of previous enmity and land dispute and in the present case, except the family members of the informant and said Pushpa Devi, there is no any other independent witness.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties and also taking note of this fact that petitioner is in jail since 08.01.2015 and the investigation of the case has already been completed, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Katihar in connection with Katihar Mahila P.S. Case No. 46/2014.

(Hemant Kumar Srivastava, J)

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