

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32883 of 2014

Arising Out of PS.Case No. -1939 Year- 2013 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Ramautar Yadav son of Bachchan Yadav
2. Siyaram Kumar @ Siyaram Yadav, son of Rup Lal Yadav,
Both resident of Village - Goithadih, P.S. Town Nawada (P.O. Kardiganj),
District - Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s :

For the Opposite Party/s :

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-02-2015 Heard learned counsel for the petitioners, learned

A.P.P. for the State and learned counsel appearing on behalf of the

complainant.

The petitioners, Ramautar Yadav and Siyaram
Kumar @ Siyaram Yadav, apprehend their arrest in Complaint
Case No. 1939/2013 registered under Sections 376/511 of the
Indian Penal Code.

Veena Devi alleged in her protest petition that the
petitioners committed rape with her.

Learned counsel for the petitioners submits that
Veena Devi had earlier filed Complaint Case No. 703/2012
alleging that on 06.06.2012 in the evening, the petitioners had
made an attempt to commit rape with her. On the said complaint
petition, Nawada Town P.S. Case No. 416/2012 was registered

under Sections 323, 341, 376/511 of the Indian Penal Code. The police, after investigation, found the case false and submitted final form. Thereafter, the complainant filed the protest petition, on the basis of which, after enquiry, the learned magistrate found a prima facie case against the petitioners.

It is further submitted that Naresh Sharma, the husband of the complainant, has got two wives – one is the complainant and another is Bedamiya Devi. Bedamiya Devi filed Complaint Case C.R. No. 788/2011 against Naresh Sharma under Section 498(A) and other sections of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act. Petitioner no. 1 Ramautar Yadav is witness no. 3 in the aforesaid complaint petition and Binod Yadav is also a witness in that case. Petitioner no. 2 Siyaram Kumar @ Siyaram Yadav is the brother of Binod Yadav.

Learned counsel for the complainant, on the other hand, vehemently opposed the prayer for anticipatory bail.

On perusal of the records, it appears that the police, after investigation, found the case false and, accordingly, submitted final form. The present case proceeded on protest. It also appears that prior to filing of the present case, Sautan of the complainant had filed a case against the husband of the

complainant under Section 498(A) and other sections of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, wherein the petitioner no. 1 and the brother of the petitioner no. 2 are witnesses.

Considering the facts aforesaid, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Rahul Kumar, Judicial Magistrate 1st Class, Nawada in Complaint Case No. 1939/2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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