

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.888 of 2015**

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1. Bimal Yadav Son of Dukhi Yadav  
2. Mithu Yadav @ Ranjeet Raj Son of Bimal Yadav Both are resident of village - Aini, Muhammadpur, Police Station - Simari Bakhtiyarpur (Balwahat O.P) District - Saharsa.

.... .... Petitioners

Versus

1. The State of Bihar  
2. Shankuntala Devi Wife of Pramod Yadav Resident of Village - Aini, Muhammadpur, Police Station Simari Bakhtiyarpur (Balwahat O.P) District - Saharsa

.... .... Opposite Parties

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**Appearance :**

For the Petitioners : Mr. Dinesh Maharaj  
For the Opposite Parties : Mr. Narsingh Tanti(App)

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR**  
**MANDAL**  
**ORAL ORDER**

5      01-07-2015                      Heard both sides.

Petitioner no.2 carries an allegation of having sexually assaulted the complainant/informant while she was alone in the house. It is alleged that the petitioner No.2 entered into the house and forced her to go inside the room where her mouth was tied and she was subject to rape.

Contention of the petitioner is that he is cousin brother-in-law (Devar) of the complainant/informant. Along with the petitioner his father has also been implicated who has since been released on anticipatory bail being petitioner no.1 of the case. No one has supported the case about allegation of

commission of rape. Some witnesses have stated about the assault on the complainant/ informant by the petitioner. There is no injury report of the informant. The police have also doubted the allegation of commission of rape. From the impugned order, it appears that in course of investigation the husband, one Sanju Devi as well as the informant have supported the allegation.

In my view, petitioner No.2, namely Mithu Yadav @ Ranjeet Raj, in the facts of the case, is not entitled for the grant of anticipatory bail. Prayer for bail is rejected.

Let the Petitioner No.2 surrender and pray for regular bail before the learned Court below. In that event the Court below shall consider and dispose of the same on its own merit and pass appropriate order uninfluenced by the present order.

**(Kishore Kumar Mandal, J)**

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