

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42065 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -BIHARIGANJ District- MADHEPURA

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Bishnudeo Yadav @ Bishundeo Yadav, son of Late Jogi Yadav, Resident
of Village-Kusthan Ward No. 1, P.S. Bihariganj District-Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vikramdeo Singh, Advocate
Mr. Pawan Kumar, Advocate

For the Opposite Party : Mr. Madhura Nand jha (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 22-10-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with
Bihariganj P.S Case No. 39 of 2016 registered for the offences
punishable under Sections 341/323/379/376/511/504/34 of the
Indian Penal Code.

Allegedly, the petitioner after entering into the
house of the informant and untied blouse, started pressing her
breast and then his wife arose and saw the petitioner, then she
raised alarm and then informant also woke up, but the petitioner
fled away, due to intervention of villagers, the case was earlier not
lodged.

Submission is of false implication and that from
perusal of the F.I.R. itself it reveals that the case has been lodged

after maneuvering and manipulating the story, all the brothers of the petitioner has been implicated, F.I.R. has been lodged after three days of the alleged occurrence and, as such, the petitioner deserves sympathetic consideration.

Learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that the petitioner is in custody since 30.06.2016, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Uda-Kishunganj, District-Madhepura, in connection with Bihariganj P.S Case No. 39 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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