

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57119 of 2015

Arising Out of PS.Case No. -19 Year- 2015 Thana -BENIPATTI District- MADHUBANI

- =====
1. Abadhesh Kumar Yadav @ Abadhesh Yadav
 2. Subhesh Yadav
 3. Rakesh Yadav, all are S/o Sri Sheetal Yadav
 4. Suresh Yadav S/o Sri Kari Yadav
 5. Ravindra Yadav @ Ravindra Kumar Yadav S/o Sri Lal Yadav
 6. Deepak Yadav @ Deepak Kumar Yadav S/o Sri Heera Yadav All are resident of village - Sarisar, P.S. Benipatti, District - Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Adv.

For the Opposite Party/s : Mr. Anish Chandra (App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 15-02-2016 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in Benipatti P.S. Case No. 19/2015, registered for the offences punishable under Sections 376(D) of the Indian Penal Code.

The case diary of the present case was called for, which has since been received.

The allegation against these petitioners is that they had periodically committed rape on the victim lady, the informant of the present case.

Learned counsel for the petitioners submits that actually the main allegation is against one Suresh Yadav and not against the other petitioners. It is further submitted that though the occurrence took place on 31.07.2014 but the FIR in the present case has been endorsed on

20.02.2015 i.e. after lapse of seven months.

It is further submitted that no plausible explanation has been filed for the delay in filing the FIR.

Learned counsel appearing on behalf of the State, after perusal of the case diary, submits that the main allegation as is evident from the case diary is against one Suresh Yadav. So far as the other petitioners are concerned they have been named at random. Learned counsel for the State further submits that the medical evidence does not support story of rape.

However, considering all facts and circumstances of the case and the materials that is available in the case diary, save and except petitioner no. 4, the role of the others seen vague and indistinct, they have also no criminal antecedent, let petitioner nos. 1, 2, 3, 5 and 6 in the event of their arrest or surrender before the 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 bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Benipatti (Madhubani) in connection with Benipatti P.S. Case No. 19/2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no. 4, Suresh Yadav, is concerned, he is directed to surrender in the court below within a period of four weeks. In case, he does so, the bail application of the petitioner Suresh Yadav shall be considered without being prejudiced by this order.

(Anjana Mishra, J.)

Rakhi

U		T	
---	--	---	--