

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58510 of 2015

Arising Out of PS.Case No. -158 Year- 2015 Thana -UDAKISHANGANJ District- -

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1. Manoj Yadav Son of Nirdhan Yadav R/o Village Maheshua, Ward No. -
02, P.S. Udakishunganj, District Madheprua

.... Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi Wife of Rajesh Yadav R/o Village Maheshua, Ward No. -
02, P.S. Udakishunganj, District Madheprua

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Singh

For the State : Ms. Pushpa Sinha

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 06-05-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a
case registered for the offences punishable under Sections 341/323/
354-B/506 and 34 of the Indian Penal Code.

Diary in this case was called for earlier which has since been
received.

Learned counsel for the petitioner submits that though there
is specific allegation of rape on the petitioner, it has come on
record that it was merely a case of *Marpit*. It if further submitted
that a proceeding under Section 107 of the Cr. P.C. was also
initiated in the Court of S.D.M., Udakishunganj. In the said case, a

report was submitted by the S.I. of the concerned area on 31.7.2015 stating that though there was an apprehension, the dispute has arisen only on account of grazing of field by the she-goat of the petitioner. It is submitted that in the said case under Section 107 of the Cr. P.C. a report has been submitted and proceeding has been initiated against the petitioner.

Considering the fact that it was more of a dispute arising out of a trivial issue and that in the case diary save and except, the statement of the informant (victim lady), there is no other material to support her prosecution story, let the petitioner, in the event of his arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Udakishunganj, Madhepura, in connection with Udakishunganj P.S. Case No. 158/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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