

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16553 of 2016

Arising Out of PS.Case No. -193 Year- 2014 Thana -SIRDALA District- NAWADA

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Bhola Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mr. Indu Kumari Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 354(B), 376, 511/34 of the Indian Penal Code.

The prosecution case is that on 03.09.2014 at 6-7 PM while the informant was returning her home, on the way co-accused Anil Yadav caught her hand and the petitioner started outraging her modesty. On protest, she was being pushed in nearby bush where the petitioner and co-accused Bhola Yadav tried to ravish her. On alarm being raised, the villagers came when the accused persons escaped from the scene.

It is submitted by the learned counsel for the petitioner that the petitioner has been maliciously roped in the case and even assuming the accusation, no case under sections 376/511 of the

IPC is made out. The petitioner's side at earlier point of time filed complaint case No. 1445 of 2014 on 28.08.2014, which came to be registered as police case on 17.09.2014, under sections 147, 148, 149, 323, 307, 379, 504, 354(A), 366, 457 of the IPC against the informant and her family members whereas the present complaint case has been filed on 08.09.2014, which came to be registered as police case on 17.09.2014.

Considering that on conclusion of the investigation the police did not find the case true under section 376/511 of the IPC coupled with the fact that case lodged by the petitioner's side was at earlier point of time, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Subir Kumar, learned JM, 1st class, Nawada in connection with Sirdala P.S. Case No. 193 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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