

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17706 of 2016

Arising Out of PS.Case No. -71 Year- 2016 Thana -AJAMNAGAR District- KATIHAR

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1. Baijnath Yadav S/o Late Gunjay Yadav R/o Kanhariya P.S.- Azamnagar,
Distt- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. M.Haque(App)

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 25-05-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Azamnagar P.S. Case No. 71 of 2016 registered for the offence
under Sections-376/511 of the Indian Penal Code.

It is contended on behalf of petitioner that falsity of
allegation made in the complaint, which was sent to the police for
investigation u/S 156(3) of the Cr.P.C. and upon which the first
information report has been lodged, would be apparent from the
further statement of the complainant/informant recorded by the
police, in which she has stated that her share was not being given
by the petitioner after death of her husband and due to that reason
an altercation took place, as a result of which, she had approached
an advocate who had drafted the complaint case and the same was

filed before the court below. The statement of son of the informant has also been recorded who has also stated the same thing that an altercation took place on account of family feud. Another witness namely, Shambhu Yadav has also stated that the informant, after death of her husband, was demanding her share in the ancestral property and for that the dispute arose. It is contended that whole story of attempt to commit rape is a cock and bull story.

Having regard to the facts and circumstances of the case as well as submission of the parties, the petitioners named above, in the event of their arrest or surrender in the court below within four weeks shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Azamnagar P.S. Case No. 71 of 2016 to the satisfaction of learned Chief Judicial Magistrate, Katihar subject to conditions as laid down u/S 438(2) of the Cr. P.C.

A.K.V./-

(Dr. Ravi Ranjan, J.)

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