

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39428 of 2016

Arising Out of PS.Case No. -197 Year- 2014 Thana -KHAGARIA District- KHAGARIA

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Bhola Yadav son of Late Bishni Yadav, Resident of Village Mathar, Police Station Khagaria (Muffasil), District Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Sri Shyameshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 20-10-2016 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking bail in connection with S.Tr. Nos. 100 of 2015/ 290 of 2015 arising from Khagaria (Muffasil) P.S. Case No. 197 of 2014 registered for offences under sections 147, 341, 323, 506, 376, 380 and 365 of the Indian Penal Code.

As per the allegation, the petitioner and his all family members entered into the house of the informant, committed rape on the victim in a dare devil manner and thereafter took away her brothers, namely, Kare Lal Yadav and Shambhu Yadav.

The counsel for the petitioner submits that as per the first information report, all family members of the petitioner were

present and it does not stand to the reason that in presence of all the family members, the petitioner will commit such a heinous crime and so much so that in paragraph 17, both the persons who have been shown to have been kidnapped by the accused persons, in a real fact, were arrested in connection with two separate cases. He further submits that the story is completely concoction, with a mala fide reason, the petitioner and his all family members have been trapped in the present case. The petitioner is in custody since 09.06.2015.

Looking to the facts and circumstances of the case, let the petitioner, Bhola Yadav, be released on bail on his furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Khagaria in connection with S.Tr. Nos. 100 of 2015/ 290 of 2015 arising from Khagaria (Muffasil) P.S. Case No. 197 of 2014, subject to the condition that one of the bailors shall be father/mother/wife/son of the petitioner.

(Shivaji Pandey, J)

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