

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52799 of 2015

Arising Out of PS.Case No. -378 Year- 2015 Thana -BANKA District- BANKA

Jhunki Yadav, S/o Sardari Yadav, R/o Village- Garijor, P.S.- Dhulli Dumar,
District- Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Banka P.S.
Case No.378 of 2015 registered under Sections 341, 323, 376, 511
and 364/34 of the Indian Penal Code.

The accusation is that the petitioner alongwith four others
reached near the informant, who alongwith her sister, Khushbu
Kumari, was cutting the grass, and tried to commit rape on the
informant. On raising alarm by the informant, the petitioner could
not commit rape on the informant but he caused injury through
lathi on the thigh of right leg and left buttock of the informant. At
that time, the petitioner kidnapped her sister Khusbu Kumari.



Learned counsel appearing on behalf of the petitioner submits that, in fact, the petitioner and Dilchan Yadav, the father of the informant, are cousin brothers and their lands have been acquired by the Government and only to take whole compensation from the Government of the acquired lands, the father of the informant got managed to lodge this false case by his daughter, who is the informant, only to put undue pressure upon the petitioner. The witness in paragraph-26 of the case diary has also admitted the factum to the effect that this petitioner and the father of the informant are cousin brothers and their lands have been acquired by the Government and there was dispute in between the petitioner and the father of the informant in respect of receiving the compensation of the lands as acquired by the Government. The petitioner having no criminal antecedent is in custody since 23.06.2015. It is also submitted that while the sister of the informant returned to her house after eight days of the alleged occurrence but she has not made allegation of committing rape by this petitioner in her statement recorded under Section 164 of the Code of Criminal Procedure. The petitioner having no criminal antecedent is in custody since 23.06.2015.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on

bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand)
with two sureties of the like amount each to the satisfaction of the
S.D.J.M., Banka, in connection with Banka P.S. Case No.378 of
2015.

(Rajendra Kumar Mishra, J)

P.S./-

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