

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18743 of 2016

Arising Out of PS.Case No. -409 Year- 2014 Thana -COMPLAINT CASE District- JAMUI

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Lakshman Yadav, Son of Yamuna Yadav, resident of Village- Badildih,
P.S.- Khaira, District- Jamui (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bimla Devi, Wife of Shiya Yadav, resident of Village- Badildih, P.S.-
Khaira, District- Jamui (Bihar).

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate
Mr. Rakesh Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Anita Kumari (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 05-07-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Complaint Case No.409C of 2014 for allegedly having committed the offence under Sections 376, 341 and 323 of the Indian Penal Code.

On the earlier occasion, a report was called for from the court below as to whether the lady-complainant has been placed for medical examination. The report has come, which reveals that there is no medical examination of the complainant.

Learned counsel for the petitioner submits that the

present case is a counterblast to the earlier case filed by the father of the petitioner against the husband of the complainant of the present case. It is submitted that it is only to take wreak vengeance on account of the case filed by the father of the present petitioner, that a case in which the present petitioner is facing prosecution has been lodged.

Considering the fact that there is no medical report to substantiate the allegation of rape and that there is a case and counter case between the parties, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui, in connection with Complaint Case No.409C of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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