

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9188 of 2017

Arising Out of PS.Case No. -724 Year- 2014 Thana -COMPLAINT CASE District- JAMUI

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1. Roushan Yadav @ Rohan Yadav son of Late Lokan Yadav
2. Sobhi Yadav son of Late Darshan Yadav
3. Bhola Yadav son of Late Bhopal Yadav All residents of Village -
Belatanr, P.S. - Sono, District - Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ranju Devi wife of Surendra Yadav resident of village - Belatanr, P.S. -
Sono, District - Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 28-02-2017 The petitioners are in custody since 06.01.2017 in connection with Complaint Case No. 724C/14, registered for offences punishable under Sections 376(G) of the Indian Penal Code.

It has been submitted on behalf of the petitioners that petitioners and complainant are gotia and there is land dispute between them and earlier a title suit was also decided in favour of the petitioners in the year 1963. All the petitioners are more than seventy years of age and has been falsely implicated in this case by the complainant and his family. In this case charge-sheet has been submitted under Section 376 of Indian Penal Code and not



under Section 376(G) of Indian Penal Code and all the petitioners are languishing in judicial custody since 06.01.2017.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that there is direct allegation against these petitioners that they committed rape on the complainant one by one and also several witnesses have supported the case of the prosecution, I am not inclined to grant the petitioners, the privilege of regular bail, it is accordingly rejected.

However, the petitioner may renew his prayer for bail before court below itself after framing of charge in this case, and the court below after verifying the submissions of learned counsel for the petitioners that all the petitioners are more than seventy years of age, shall pass an appropriate order on the merit of the case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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