

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5497 of 2017

Arising Out of PS.Case No. -228 Year- 2016 Thana -MAKHDUMPUR District- JEHANABAD

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Shri Yadav, son of late Mahadeo Yadav, resident of village- Upadhya
Bigha, P.S.- Makhdumpur, District-Jehanabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Singh

For the Opposite Party/s : Mr. Sri Shyam Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-02-2017 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehending his arrest in connection
with Makhdumpur P.S. Case No. 228 of 2016 instituted for the
offences punishable under Sections 447, 341, 323, 354(B), 504
and 506/34 of the Indian Penal Code, has approached this Court
for grant of anticipatory bail.

The informant has alleged that on 10.09.2016, this
petitioner with whom long enmity is going on, attacked on her
house and tried to commit rape on her. On the alarm of this
petitioner, his sons also came and made her naked and brutally
assaulted by lathi and danda.

The learned counsel for the petitioner submits that the
petitioner is aged about 66 years. It is not supposed that he in



presence of his sons would attempt to commit rape. There is a land dispute between the parties for which a proceeding under Section 107 Cr. P.C. was also initiated. The allegation of assault against the petitioner is general and omnibus in nature and so he deserves anticipatory bail.

The learned APP opposed the submission.

The petitioner appears to be aged about 66 years and a land dispute is going on as it appears from a notice filed in connection with case no. 1449 of 2014. The allegation of assault against the petitioner is general and omnibus in nature.

In the facts and circumstances of the case, prayer of anticipatory bail is allowed.

Let the petitioner above named, in the event of arrest / surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Makhdumpur P.S. Case No. 228 of 2016, subject to the condition as laid down under Section 438(2), the Code of Criminal Procedure with further condition that:

- (i) One of the bailors shall be his own/close family members.



- (ii) The petitioner shall appear on each dated fixed at the trial. In case of fault in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds.

(Sanjay Kumar, J)

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