

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55870 of 2017

Arising Out of PS.Case No. -13 Year- 2012 Thana -MAHILA P.S. District- MADHEPURA

- =====
1. Sanjay Yadav, son of late Jageshwar Yadav.
 2. Mahendra Yadav, son of late Mishrilal Yadav.
 3. Dhanveer Yadav, son of Tarni Yadav, all residents of village-
Bhatrandha, Police Station- Ghailadh, District- Madhepura.
- Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3/ 20-12-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in **Mahila P.S.**

Case No.13 of 2012 instituted for the offence under Section(s)

448, 376/34 Indian Penal Code.

In the written report, there is allegation by the victim
that all the petitioners committed rape with her one after another.

The victim has given statement under Section 164
Cr. P. C., wherein, she has levelled specific allegation of
committing rape upon petitioner no.3.

In view of such, this Court is not inclined to extend
privilege of anticipatory bail to petitioner no.3-Dhanveer Yadav.

Accordingly, prayer of the petitioner no.3-Dhanveer
Yadav for grant of anticipatory bail is rejected.

So far as petitioner nos.1 and 2 are concerned,



victim has not levelled any specific allegation of committing rape against them.

In the facts and circumstances of the case, prayer of the petitioner nos.1 and 2 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the **petitioner nos.1 and 2**, named above, within six weeks from today in connection with **Mahila P.S. Case No.13 of 2012**, they shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Madhepura**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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