

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7245 of 2017

Arising Out of PS.Case No. -126 Year- 2016 Thana -DHAMDAHA District- PURNIA

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Dayanand Yadav @ Bijendra Kumar, Son of Late Bindi Yadav @ Late Bindeshwari Yadav, resident of Village- Amari Kukron P.S.- Dhamdaha, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Md. Ansarul Haque

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 08-03-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Dhamdaha P.S. Case No.126/16 registered under Section 376/34 of the Indian Penal Code.

The accusation is that on 9.7.2016 at about 11.30 P.M. when the informant Rubi Devi along with her two children and mother-in-law was sleeping in her house, her neighbours Gopal Das and this petitioner entered in the house of the informant. At that time, petitioner pressed the mouth of the informant. Gopal Das started to commit rape upon her. When she made protest then her son started weeping and her mother-in-law also awoke. Thereafter petitioner and Gopal Das fled away from there. Since,



her husband used to live in Punjab for his livelihood, she narrated the incident to her neighbours, who asked her for Panchayati, but her neighbours did not arrange any panchayati, then she lodged this case on 9.7.2016.

Learned counsel for the petitioner submits that due to land dispute the petitioner and co-accused Gopal Das have been falsely implicated in this case. It is further submitted that similarly situated co-accused, Gopal Das has already been granted privilege of anticipatory bail by this Court vide order dated 23.12.2016 passed in Criminal Misc.No.55379/16. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the court below within a period of four weeks from today be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia, in connection with Dhamdaha P.S. Case No.126/16 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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