

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55942 of 2017

Arising Out of PS.Case No. -834 Year- 2016 Thana -COMPLAINT CASE District- KISANGANJ

=====

Ashok Yadav, S/o Late Jagarnath Yadav, Village- Bhorha Yadav Tola, P.S.
Tedhagachha, District- Kishanganj.

.... Petitioner.

Versus

1. The State of Bihar.
2. Meena Devi, W/o Shambhoo Yadav, R/o Village- Bhorha Yadav Tola,
P.S. Tedhagachha, District- Kishanganj.

.... Opposite Parties.

=====

Appearance :

For the Petitioner : M/s. Rajendra Narayan, Senior Advocate & Kundan
Kumar Singh, Advocate.

For the State : Mr. Yogendra Kumar, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 06-12-2017 Heard learned Senior counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No.834(C) of 2016 registered under Sections 376,
225, 379, 341, 323 and 452 of the Indian Penal Code.

The accusation is that on 13.11.2016 at about 08.00 P.M.,
while the complainant/opposite party no.2 Meena Devi, was
cooking meal in the house, at that time, this petitioner reached
there and caught hold of the complainant/opposite party no.2 and
committed rape on her forcibly. On alarm being raised by the
complainant/opposite party no.2, when her husband Shambhoo



Yadav came then this petitioner tried to flee away but he was caught hold of by Shambhoo Yadav and others. Thereafter, other accused also came there and started to cause assault to Shambhoo Yadav, Vivekanand Yadav and Doli Kumari get freed to this petitioner. At that time, all the accused confined the complainant/opposite party no.2 and her family members in a room and damaged the households articles.

Learned Senior counsel for the petitioner submits that, in fact, the petitioner and Shambhoo Yadav, the husband of the complainant/opposite party no.2, are step brothers. Father of this petitioner had given the land to the petitioner by executing registered sale deed, due to that reason, Shambhoo Yadav and the complainant/opposite party no.2 were annoyed. Complaint Case No.108 of 2016 was also lodged by the complainant/opposite party no.2 against the petitioner, his father and family members. Thereafter, the petitioner became ready to give 1/2 share of the land, as given to him by his father, to Shambhoo Yadav but, in the meantime, with false allegation to put undue pressure upon the petitioner, the complainant/opposite party no.2 has lodged the present complaint Case. Moreover, in Complaint Case No.108 of 2016, when the petitioner became ready to give 1/2 share of the land, as given to him by his father, to Shambhoo Yadav, a



compromise petition has also been filed in the court of the Chief Judicial Magistrate, Kishanganj, by the complainant/opposite party no.2. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kishanganj, in connection with Complaint Case No.834(C) of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

