

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29752 of 2017

Arising Out of PS.Case No. -21 Year- 2017 Thana -MAHILA PS District- DARBHANGA

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Jogindra Yadav, S/o Late Sri Yadav, Resident of Village- Kumar Ranjit,
P.S.- Baheri, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar

For the Opposite Party/s : Smt. Asha Devi

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 10-07-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in connection with Mahila P.S.
Case No. 21 of 2017 registered for the offence punishable under section
376 of the Indian Penal Code.

Allegedly the petitioner committed rape with the mother
of the informant after dragging her in maize field. Some people stated
to solve the problem at panchayat level resulting F.I.R. has been lodged
after four days.

Submission is of false implication and that the victim is
aged about 54 years whereas the petitioner is aged about 71 years. The
petitioner has been made victim of the circumstance. No such
occurrence has taken place. F.I.R. has been lodged after four days.
During medical examination, no sign of rape has been found, however



the informant realising the truth, has filed petition in the Court below showing innocence of the petitioner vide Annexure-4 and as such, the petitioner deserves sympathetic consideration, as he is suffering in custody since 15.3.2017, the charge sheet has already been submitted and there is no chance of tampering with the prosecution witnesses.

Learned APP opposes the prayer of bail and fairly submits that now the informant is retracting from his earlier version.

In the facts and circumstances as stated above, the petitioner, above named, is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Darbhanga in connection with Mahila P.S. Case No. 21 of 2017, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason, shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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