IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14401 of 2017

Arising Out of PS.Case No. -32 Year- 2012 Thana -MAHILA P.S. District- MADHEPURA

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Vivek Yadav, son of Sukhdeo Yadav, resident of Village - Shripur, Police Station Madhepura, District Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Khatim Reza, Advocate.
For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 06-07-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Madhepura Mahila P.S. Case No. 32 of 2012, registered under Sections 448, 376 and 323/34 of the Indian Penal Code.

The accusation is that the informant was alone in her house. At that time, petitioner entered in her house and committed rape on the point of gun. On raising alarm, Gunjan Devi, 'Gotni' of the informant, came there and both ladies caught hold this petitioner. But, in the meantime, Chaniya Devi, Kundula Devi, Rinku Devi and Mukesh Kumar came there and got managed to escape the petitioner.

Learned counsel for the petitioner submits that

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petitioner and the husband of the informant are agnates and due to land dispute the present case was lodged with ulterior motive and wife of the petitioner was also lodged Madhepura P.S. Case No. 343 of 2012, under Section 376 of the Indian Penal Code, against the husband of informant of the present case. Further submission is that in both cases on investigation police submitted final form finding the case untrue.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhepura, in connection with Madhepura Mahila P.S. Case No. 32 of 2012, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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