

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63110 of 2017

Arising Out of PS.Case No. -790 Year- 2008 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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1. Ramjee Yadav, Son of Sri Jagdish Yadav.
2. Munna Yadav, son of Lileshwar Yadav,
3. Gola Yadav, son of Lileshwar Yadav, All resident of Village- Dihuri,
Police Station- Parasbigha, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Manti Devi, Wife of Late Chanarik Yadav, resident of Village- Dihuri,
Police Station- Parasbigha, District- Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek bail in connection with
Complaint Case No. 790 of 2008 registered for offences
punishable under sections 147, 148, 149, 380 and 376 of the
Indian Penal Code and section 27 of the Arms Act.

It has been submitted that the daughter-in-law of
complainant has filed Complaint Case No. 770 on 10.09.2008
wherein she has alleged that her mother-in-law (present
complainant) does not want to give share of her husband in the
property and the complainant along with others had entered into



the house and assaulted her husband. After ten days, the complainant has filed the complaint case against her own son, daughter-in-law and these petitioners who are sons of full brother of her husband. It has been further submitted that the allegation of rape is false and fabricated and one of the co-accused namely Bindeshwar Yadav @ Bineshwar Yadav has been allowed bail by one of the coordinate Bench of this Court in Cr. Misc. No. 9154 of 2011. Further submission is that the petitioners are in custody since 07.10.2017 and their case stands on similar footing to the case of co-accused who has been allowed bail and so they also deserve bail.

Considering the facts and circumstances as stated above, the prayer for bail is allowed and the above named petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Complaint Case No. 790 of 2008, subject to the following conditions:-

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or



tamper with the evidence.

- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.
- (iv) If the petitioners are found involved in similar type of offence in future, the prosecution will have liberty to move for cancellation of their bail.

(Sanjay Kumar, J)

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