

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44180 of 2018

Arising Out of PS.Case No. -80 Year- 2018 Thana -CHAUSA District- MADHEPURA

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1. Musharu Yadav @ Balbir Yadav, S/o Arvind Yadav, Resident of Village-Tilarahi @ Tilharahi, Panchayat- Dhuriya Kalasan, Ward No.14, P.S.- Chousa, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 24-08-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Chousa P.S.Case No.80 of 2018 , registered for offences punishable under Sections 376/511 of the Indian Penal Code.

Allegation against the petitioner is of making attempt to commit rape upon the informant.

Submission of the learned counsel for the petitioner is that as a matter of fact, the husband of the informant was *Bataidar* of the petitioner and the petitioner removed him from the *Bataidar*, as such the present case has been lodged. It is further submitted that there is delay in lodging the FIR.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and



circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Uda Kishungnaj, District Madhepura in connection with Chousa P.S.Case no.80 of 2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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