

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45223 of 2018**

Arising Out of PS. Case No.-78 Year-2017 Thana- JANKINAGAR District- Purnia

Dilip Yadav Son of Late Jagdish Yadav resident of Village- Khunt, P.S. Janki  
Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Prawesh Kumar  
For the Opposite Party/s : Smt. Pushpa Sinha

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

3     07-09-2018

The prayer for bail of the petitioner was earlier rejected by this Court by order dated 10.01.2018. The petitioner is being tried for offences under Sections 341, 323, 307, 354 (A), 504 and 406 of the I.P.C.

The petitioner is alleged to have entered into the house of the informant for the purposes of committing rape on her. Only because of the timely intervention of the villagers residing in the neighbourhood that the victim/informant could be saved. It has further been alleged in the F.I.R. that the petitioner had been pressurizing the informant for withdrawing the case lodged by her against the petitioner in connection with the murder of her husband.

Learned counsel for the petitioner has submitted that from the narration given in the F.I.R.



itself, the accusation appears to be false and motivated. Precisely, for the reason that the informant has suspicion that her husband was killed at the hands of the petitioner, such vindictive F.I.R. has been lodged by her. It does not appear to be plausible, it has been argued, that without any weapon or any protecting cover, the petitioner would enter in the house of the informant when she was sleeping along with other members of the family.

Though, the F.I.R. indicates that the informant was handed over to the Police in a naked condition, but that allegation itself does not completely exclude the possibility of false implication.

The other aspect of the matter, which has been put to focus by the learned counsel for the petitioner is that the petitioner, at the relevant time, was found to be totally inebriated.

Under what circumstances, the petitioner was caught and handed over to the Police is not known and the accusation therefore has to be accepted only with a pinch of salt.

Had the allegation regarding the petitioner harassing the informant been true, the informant would surely have moved some petition for cancellation of the bail of the petitioner. It may be noted that the petitioner



is on bail in the case referred-to-above, namely, Janki Nagar P.S. Case No. 42 of 2013 instituted for the offences under Section 302/34 of the I.P.C.

Apart from the nature of accusation, this Court has also taken note of the fact that the petitioner has remained in jail since 22.04.2017 and the trial of the case has not progressed any further.

Considering the aforesaid facts, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3<sup>rd</sup> Additional Sessions Judge, Purnea in connection with Janki Nagar P.S. Case No. 78 of 2017 / Sessions Trial No. 233 of 2017.

The petitioner, however, is directed to participate in the trial proceedings and in case of his absence from the trial court on three consecutive occasions, it will be open to the trial court to cancel his bail bonds and ensure the taking of the petitioner in custody.

**(Ashutosh Kumar, J)**

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