

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53567 of 2018

Arising Out of PS. Case No.-52 Year-2017 Thana- MAHILA P.S District- Supaul

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1. Jai Prakash Yadav,
 2. Om Prakash Yadav, both Sons of Late Sanicher Yadav, resident of Village- Gangsayer, Police Station- Paratpganj, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Sri Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

- 3 11-12-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mahila P.S. Case No. 52 of 2017 registered under Sections 376, 342, 376/511, 504 and 506/34 of the Indian Penal Code.

The accusation is that before one day, petitioner no. 1, Jap Prakash Yadav, entered in the house of the informant and commit rape on her. On making complainant by the informant, Panchayati was arranged, in which, petitioner no. 1 accepted his guilt and assured that he will not repeat the same in future and Panches also suggested to informant to not lodge the case. Later on, petitioner no. 1 again entered in the room of the informant



and tried to commit rape but on raising alarm by the informant, neighbours reached there then petitioner no. 1 fled away threatened her of dire consequences.

Learned counsel for the petitioners submits that both the petitioners are own brother and only allegation has been made to commit rape on the informant by petitioner no. 1, Jai Prakash Yadav but due to dirty village politics, petitioner no. 2 being the brother of petitioner no. 1 has falsely been implicated in this case.

Having regard to the facts and circumstances of the case, let the above named petitioner no. 2, Om Prakash Yadav, 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 S.D.J.M., Supaul, in connection with Mahila P.S. Case No. 52 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no. 1, namely, Jai Prakash Yadav, is concerned, having considered the facts and circumstances of the case and the nature of allegation against him, I am not inclined to grant anticipatory bail to the petitioner petitioner



no.1. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no.1 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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