

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.60331 of 2017

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

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1. Mukesh Kumar @ Mukesh Yadav S/o Uttam Yadav, R/o Village-
Shripur, P.S.- Madheprura, District- Madhepura.

.... Petitioner/s

Versus

1. 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. Shailendra Kumar -1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

This is an application for grant of anticipatory bail in
connection with Madhepura Mahila P.S.Case No. 32 of 2012
(G.R. No. 1282 of 2012) registered for the offences punishable
under Sections 448, 376 and 323/34 of the Indian Penal Code.

The allegation of the informant is that while she was
alone in her house, one Vivek Yadav entered into the house and
forcibly committed rape on her. It is further alleged that when she
raised alarm, her Gotni woke up and then caught hold of the said
Vivek Yadav. However, other accused persons including the
petitioner came there and rescued the said Vivek Yadav.

Learned counsel for the petitioner submits that the



main perpetrator of the crime i.e. Vivek Yadav has already been granted bail by this Court vide order dated 06.07.2017 passed in Cr. Misc. No. 14401 of 2017. It is further submitted that the petitioner has been falsely implicated in the present case and he has a clean antecedent. It is also a fact that the police upon investigation has found the case to be false and has submitted a final form in the present case.

Having regard to the facts and circumstances, I deem it fit and appropriate to direct the release of the petitioner on anticipatory bail in the event of his arrest/surrender before the concerned trial Court within six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura Mahila P. S. Case No. 32 of 2012, subject to the conditions enumerated under Section 438 (2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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