

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69215 of 2018

Arising Out of PS. Case No.-22 Year-2018 Thana- HAYAGHAT District- Darbhanga

Satyendra Yadav, S/o Yogendra Yadav, R/V- Dhobopur Bansara, P.S.
Hayaghat, Distt.-Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar, Advocate.

For the Opposite Party : Mr. Shailendra Kumar -2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 18-12-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 341, 427, 376/511, 323,
307, 504, 506, 379/34 of the IPC and 8/18 of the POSCO Act.

The prosecution story, in brief, is that on 09.03.2015
at about 7.30 P.M. in the evening, the informant Kanchan Devi
alongwith her *Jaidhi* Sonali Kumari aged about 12 years was
going for easement towards the field. Suddenly, petitioner and
co-accused Lalu Yadav caught the hand of Sonali Kumari with
bad intention and when the informant tried to save her then co-
accused Lalu Yadav caught the informant and pressed her
mouth. In the meantime, this petitioner Satyendra Yadav took
Sonali Kumari in orchard and torn her clothes with intention to



commit rape as a result of which, she became naked. On hulla, Shiv Shankar Yadav rushed to save his sister then co-accused Laly Yadav assaulted him with *Iron rod* causing head injury and blood started to ooze and he fell down. Thereafter, co-accused Lalu Yadav wrapped rope around the neck of Shiv Shankar Yadav with intention to kill him due to which he became unconscious and thereafter, snatched golden *Hanumani* from his neck and then both accused persons went away by giving threatening to the informant that if the matter will be reported to any one then she will be killed and Sonali Kumari will be lifted in night.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The informant in his re-statement in paragraph no. 3 of the case diary has stated that in course of altercation, clothes of the victim was torn. Similar statement has come in paragraph nos. 5 and 25 of the case diary also. Considering the same, no offence under Sections 376/511 of the IPC is made out against the petitioner. As far as allegation of assault is concerned, same is alleged against co-accused Lalu



Yadav.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Darbhanga, in connection with Hayaghat P.S. Case No. 22/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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