

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2163 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- MAHILA PS District- Jehanabad

1. Awadhesh Yadav @ Awadhesh Kumar
2. Ramesh Yadav
Both sons of Shyam Narayan Yadav, resident of Vill-Kaji Chak, P.S-
Makhdumpur, Dist.-Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Soni Shrivastava

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 20-06-2019 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in connection with Jehanabad Mahila P.S.case No.20 of 2018 , registered for offences punishable under Sections 147, 148, 149, 323, 325, 307, 376(G) and 452 of the Indian Penal Code.

Allegation against the petitioners and other accused persons is that they entered inside the house of the informant armed with *Lathi, Danda, Knife and Pistol* and pointed out the pistol on her husband and further allegation is that they fired but that mis-fired and thereafter on the order of the petitioner no.1 they have assaulted by *lathi, danda, knife and pistol*. Further allegation is that the petitioners and other accused



persons dragged her inside the kitchen and committed rape and when she raised *hulla*, the petitioner no.2 assaulted by Chhura causing injury on her finger and also on hand. They were also threatening to withdraw the case earlier filed by them.

Submission of the learned counsel for the petitioners is that this case is a counter blast to a case lodged by the petitioner no.2. The witnesses during the investigation have also stated that only scuffle took place between the parties and they have pacified both the parties but later on came to know that the case has been lodged. It is also submitted that medical report does not show any internal injury and only injuries were found on the finger, however, possibility of rape can not be ruled out.

Heard learned A.P.P. , who has opposed the prayer for bail. .

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, 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 order be released on bail on furnishing bail bond of Rs.25,000/-



(Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Jehanabad in connection with Jehanabad Mahila P.S.Case No.20 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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