

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9156 of 2019**

Arising Out of PS. Case No.-530 Year-2018 Thana- SAUR BAZAR District- Saharsa

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1. Ratan Yadav, aged about 35 Years, Sex-Male, S/o Badri Yadav.
  2. Madan Yadav, aged about 50 Years, Male, Son of Late Ghuran Yadav. Both R/o- Village- Khaira, P.S- Sour Bazar, District-Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioners : Mr.Ashok Kumar, Advocate.

For the Opposite Party : Mr.Satya Nand Shukla, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      19-02-2019                      Heard learned counsel for the petitioners, learned counsel for the informant and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Section 341, 323, 307, 354(B), 447, 504, 506/34 of the IPC. Later on, Section 302 of the IPC was also added.

The prosecution story, in brief, is that on 16.09.2018 at about 9.00 A.M., Ratan Yadav (petitioner no. 1) having ill intention by entering into the house attempted to sexually exploit the daughter of the informant Lata Kumari, when she raised alarm, the wife of the informant, rushed there and she tried to rescue her girl but she was forcefully pushed causing her to fell down. Ratan Yadav (petitioner no. 1) then went away



giving threats. But again, he returned from his house carrying weapons alongwith Lalan Yadav, MadanYadav(petitioner no. 2), Fudan Yadav, Pawan Yadav, Surendra Yadav and Ranjit Yadav. It has been alleged that Madan Yadav (petitioner no. 2) gave iron rod blow, Pawan Yadav gave Lathi blow on the wife of informant and remaining accused persons assaulted her by fists and slaps. Thereafter Surendra Yadav threw down daughter of the informant. The victim was taken to Sadar Hospital, Saharsa from where she was referred to Darbhanga and treated at Gayatri Nursing Home but ultimately she died.

It has been submitted by learned counsel for the petitioners that the petitioner no. 1 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Due to previous enmity, the petitioners have been made accused in the present case. Allegation made in the F.I.R. is denied by the petitioners.

On behalf of the State and the informant, it is submitted that the petitioners are named in the F.I.R. There is specific allegation against the petitioner no. 1 Ratan Yadav for committing an offence under Section 354(B) of the IPC. As far as petitioner no. 2 Madan Yadav is concerned, there is specific



allegation of assault upon the deceased.

Considering the nature of allegations, I am not inclined to grant anticipatory bail to the petitioners. The same is rejected in connection with Sour Bazar P.S. Case No. 530 of 2018, pending in the court of learned Chief Judicial Magistrate, Saharsa. Anyhow, if the petitioners surrender and pray for regular bail in the learned court below the same shall be considered and disposed of on his own merit without being prejudiced by the order of this Court.

**(Sudhir Singh, J)**

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