

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11793 of 2019**

Arising Out of PS. Case No.-256 Year-2018 Thana- BAHERA District- Darbhanga

VINAY KUMAR YADAV @ VINAY YADAV @ Ram Vinay Yadav, Son of
Ram Julum Yadav, Resident of Village - Itaharwa, PS- Bahera, District-
Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No 13
Mr. Rohit Kumar
For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 26-06-2019 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Bahera Police Station Case No. 256 of 2018, disclosing
offences under Sections 376 and 511 of the Indian Penal Code.

The allegation against the petitioner, on the basis of
the written report of one Renu Devi, is that while her daughter,
Daulat Kumari, aged about 14 years, was cooking food, the
petitioner entered into the kitchen and forcibly tried to commit
rape, upon which she raised alarm and when the nearby persons
reached there, the petitioner succeeded in fleeing away.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case due to



land dispute inasmuch as Title Appeal No. 18 of 2014 is already pending between the parties, wherein the father of the petitioner is appellant no. 9 and one Rajgir Yadav @ Rajgeer Yadav is respondent no. 2, who is the father of the scribe Jai Jai Kumar, who had drafted the written report on behalf of the informant and has also signed on the written report which is the basis of registration of the present police case. He further submits that the said scribe had instigated the informant to lodge this false case.

Learned Additional Public Prosecutor opposed the prayer for bail and submits that some of the witnesses have alleged that the petitioner was involved in the alleged occurrence, whereas from paragraph 35 of the case diary, it appears that one of the independent witness has not supported the case of the prosecution.

After having heard learned Counsel for the parties and in the facts and circumstances of the case and the fact that scribe jai Jai Kumar has drafted the written report, I find it a fit case for grant of privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Vinay Kumar Yadav @ Vinay Yadav @ Ram Vinay Yadav, in the event of his arrest or



surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Darbhanga, in connection with Bahera Police Station Case No. 256 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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