

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70628 of 2018

Arising Out of PS. Case No.-445 Year-2015 Thana- ARARIA District- Araria

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1. Krityanand Yadav, Son of Late Hari Lal Yadav,
 2. Jay Mala Devi, Wife of Krityanand Yadav, Both are resident of Village-Madanpur, Police Station- Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 376/34 of the IPC.

The prosecution case, as per the fardbeyan of Soni Kumari, recorded by Seema Kumar, A.S.I., Araria Mahila Police Station, on 03.09.2015 at 6 P.M., is to the effect that on 28.07.2015, the informant was going to her orchard, when her friend, Sangam invited her at her house, thereafter the informant went to the house of her friend, where her sister-in-law (bhabhi) served her tea and after taking tea, she got unconscious, thereafter when she gained consciousness at 7 P.M., she asked co-accused Manoj Kumar to take her home. It is further alleged that while going



home, on the way, the petitioners forcefully got the informant seated in an auto rickshaw and injected some sedative as a result, the informant again became unconscious and when she gained consciousness, she found herself in a room at Katihar, where co-accused Anand Yadav and Vikash Yadav were there. Subsequently, co-accused Anand Yadav ravished the informant. Thereafter, when co-accused Anand Yadav and Vikash Yadav were taking her to Siliguri, but the informant managed to reach at Katihar Women's Helpline.

It is submitted by learned counsel for the petitioners that for the occurrence of 28.07.2015, the fardbeyan of the informant was recorded on 03.09.2015 and the FIR was registered on 05.09.2015. The accusation of ravishing the informant is against co-accused Anand Yadav. The only accusation against the petitioners is of giving some sedative, but there is no medical report of the informant to corroborate such accusation. It is further submitted that on conclusion of investigation, the petitioners were not sent up for trial, but differing with the final form, cognizance has been taken against the petitioners also. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the petitioners are



named in the FIR with accusation of injecting some sedative to the informant.

Considering the fact that from the FIR, it appears that the informant went in the company of accused persons on her own, the FIR does not disclose the time of return from the custody of accused persons, moreover, after conclusion of investigation, the petitioners were not sent up for trial, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria (Bairgachhi) P.S. Case No. 445 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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