

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26255 of 2019

Arising Out of PS. Case No.-69 Year-2018 Thana- MAHILA P.S. District- Banka

ANIL YADAV, aged 23 years (Male), Son of Basudev Yadav Resident of
Village - Tasariya, P.S.- Katoria, District - Banka.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ajay Mukherjee, Advocate.
For the Opposite Party : Mr.Satyavrat Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
19.11.2018 in a case for the offence registered under Section
376(D) of the IPC.

The prosecution story, in brief, is that on 17.11.18 at
11.00 P.M. informant was sleeping, her father was out of house.
All of a sudden, Subhash Yadav and this petitioner came and
committed rape with her. When her cousin knocked the door,
Anil Yadav (petitioner) was arrested and Subhash Yadav fled
away.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
Charge sheet has been submitted in the present case. There is no



allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the medical examination report, there is no positive finding in respect of commission of rape upon the victim. The matter has already been compromised between the parties. The informant has filed an application in the learned court below stating therein that the case was instituted due to mistake of fact. The said application is Annexure-3 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R./ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on 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 S.D.J.M. Banka, in connection with Banka Mahila P.S. Case No. 69/2018.

(Sudhir Singh, J)

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