

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36454 of 2019**

Arising Out of PS. Case No.-25 Year-2019 Thana- KONCH District- Gaya

1. Mandal Yadav, Son of Daroga Yadav Resident of Village- Maniyar Bigha, P.S.- Konch, District- Gaya.
2. Shashi Yadav, Son of Mandal Yadav Resident of Village- Maniyar Bigha, P.S.- Konch, District- Gaya.
3. Ranjeet Yadav, Son of Daroga Yadav Resident of Village- Maniyar Bigha, P.S.- Konch, District- Gaya.
4. Dharendra Yadav, Son of Janak Yadav Resident of Village- Maniyar Bigha, P.S.- Konch, District- Gaya.
5. Shyam Mohan Yadav, Son of Mandal Yadav Resident of Village- Maniyar Bigha, P.S.- Konch, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      30-08-2019      Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Konch P.S. Case No.25 of 2019 for the offence punishable under Sections 341, 448, 323, 379, 354, 504, 435, 427, 504, 506/34 of the Indian Penal Code.

The allegation against the petitioners is that petitioners entered into the house of informant along with 5-6 unknown persons and started searching about her husband Mantu Yadav and when her husband was not found, they tried to outrage the modesty of the informant and took away utensil and also set motorcycle kept



outside on fire.

Mr. Umesh Kumar, learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case inasmuch as both the parties are neighbours and earlier First Information Report bearing No.21 of 2019 was filed by the informant's husband in which all the petitioners were made accused. Learned counsel further submits that some time back in the year 2005, the petitioner No.1 and others had lodged a case against 21 persons who were also relatives of the informant in which the learned Court below acquitted the accused persons and the petitioner No.1 filed Criminal Appeal No.951 of 2017 against acquittal which was decided on 09.02.2018. Learned counsel further submits that due to the previous case, the order which has been annexed at Annexure-2, the petitioners have falsely been implicated in this case.

On the other hand, Mr. Dharendra Kumar Sinha, learned counsel appearing for the informant vehemently opposes the prayer for anticipatory bail and submits that just after two days of lodging the FIR by the husband of the informant against these petitioners for assaulting his father who was under treatment, the petitioners entered into the house of the informant and tried to outrage her modesty and also committed robbery in her house and set the



motorcycle on fire. Learned counsel relying upon the case diary submits that all the witnesses have supported the prosecution story. Learned counsel appearing for the State submits that the witnesses have stated that all these petitioners were seen near the house of the informant and motorcycle was found burning by the witnesses.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are neighbour and the parties are on inimical terms and there is no specific allegation against the petitioners for outraging the modesty of the informant, as such, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Gaya, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

**(Anil Kumar Sinha, J)**

sanjeev/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

