

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37694 of 2019

Arising Out of PS. Case No.-43 Year-2018 Thana- MAHILA PS District- Jehanabad

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MOHAN YADAV S/o Rajendra Yadav R/o Village- Nawada, P.S.- Kako
(Bhelawar O.P.), District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Ms.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-07-2019 Heard learned counsel for the petitioner, informant
and the learned APP for the State.

The petitioner seeks bail in Jehanabad (Mahila) P. S.
Case No.43 of 2018 instituted for the offence under Section(s)
341,323 and 376 of the Indian Penal Code.

It is alleged in the written report that when the
husband of informant had gone out of the house for worship,
the petitioner entered into the house and committed rape with
her. It is further alleged that while informant tried to raise hulla
petitioner closed her mouth and gave threat to kill. In the
meantime, husband of informant came and tried to apprehend
the petitioner but he fled away.

Learned counsel for petitioner submits that occurrence
is said to have taken place on 20.8.2018 at 7.30 AM. The victim



has been examined on 21.8.2018 at 3.15 pm. The doctor has found no external or internal injury. The doctor has opined that there is no recent sign or evidence of sexual assault .

Learned counsel for petitioner submits that husband of informant has given his statement in para 3 of the case diary, wherein, he has stated that when he came to the house he found his wife and petitioner in compromising position. Learned counsel for petitioner further submits that from statement of the husband of victim it appears that act was done with consent of the victim.

Petitioner is in custody since 23.11.2018 having no criminal antecedent.

Considering the aforesaid, let the petitioner, above named, 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 the CJM, Jehanabad, in connection with Jehanabad (Mahila) P. S. Case No.43 of 2018subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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