

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61690 of 2018

Arising Out of PS. Case No.-38 Year-2015 Thana- MAHILA P.S. District- Siwan

Vidya Yadav @ Vidya Nand Yadav S/o Chandrika Yadav, R/o Vill.- Champ
Tola Teghra, P.S.- Pachrukhi Sarai O.P., District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 62087 of 2018

Arising Out of PS. Case No.-38 Year-2015 Thana- MAHILA P.S. District- Siwan

1. Raja Ram Sah Son of Late Hira Lal Sah,
2. Saral Yadav, Son of Chandrika Yadav,
Both residence of Village- Champ Tola Teghra, Police Station- Pachrukhi
Sarai O.P., District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 61690 of 2018)

For the Petitioner/s : Mr.Shambhu Prasad Yadav

For the Opposite Party/s : Mr.Sri Ram Sevak Choudhary

(In Criminal Miscellaneous No. 62087 of 2018)

For the Petitioner/s : Mr.Shambhu Prasad Yadav

For the Opposite Party/s : Mr.Sri Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-01-2019 Both the bail petitions arise out of the same F.I.R;

hence they are being disposed off by a common order.

The petitioners seek bail in anticipation of their
arrest in connection with Siwan Mahila P.S. Case No. 38 of
2015 dated 21.03.2015 instituted for the offences under



Sections 366(A), 376 of the Indian Penal Code and Section 6/8 of the Protection of Children From Sexual Offences Act, 2012.

It has been submitted on behalf of the petitioners that the accusation against the petitioners was found to be false by the Police and therefore final report false was submitted. However, learned Magistrate, after differing with the Police report, has taken cognizance under Sections 366(A), 376 of the Indian Penal Code and Section 6/8 of the Protection of Children From Sexual Offences Act, 2012.

The learned counsel for the petitioners has further submitted that one of the petitioners viz. Raja Ram Sah is a President awardee and presently officiating as Pramukh of Hussainganj Block.

However, taking into account the nature of accusation against the petitioners, I am not inclined to grant anticipatory bail to them.

The prayer for anticipatory bail of the petitioners is rejected.

However, if the petitioners surrender and pray for



regular bail, the Court below shall take into account that the entire allegation was found false by the Police but differing with the Police report, cognizance was taken and that 164 Cr.P.C statement made by the victim girl could be because of tutoring by the others who were pulling wires from behind as well as the background of the petitioners and thereafter shall pass orders in accordance with law without being prejudiced by the fact that the present petition for anticipatory bail has not been entertained.

The petition is dismissed with the aforesaid observation.

(Ashutosh Kumar, J)

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