

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63398 of 2018

Arising Out of PS. Case No.-20 Year-2018 Thana- MAHILA PS District- Jehanabad

Amarjeet Yadav @ Amarjeet Kumar Bharti @ Amarjeet Kumar Son of
Ghamandi Yadav, Resident of Village-Kaji Chak Police Station Makhdumpur,
Distt.-Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Soni Shrivastava

For the Opposite Party/s : Mr.Sri Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
147,148,149,323,325,307,376 (g) and 452 of the IPC.

The prosecution case, as per the written report of Sonaphi
Devi submitted to the Station House Officer, Jehanabad Police
Station, to the effect that on 28.04.2018 at 8.00 A.M., when the
informant along with his family members was at her home, in
the meantime, eight accused persons, including the petitioner,
variously armed entered into the house. It is alleged that co-
accused, Awadhesh Yadav and Ghamandi Yadav resorted to fire
on the husband of the informant, but it did not hit him.
Thereafter, on the order of co-accused Awadhesh Yadav, other
accused persons assaulted the husband of the informant. When
the informant came to rescue her husband, then co-accused,



Ghamandi Yadav, Ramesh Yadav and Awadhesh Yadav, non-petitioner took her into kitchen and ravished her. It is also alleged that co-accused Ramesh Yadav assaulted with dagger on the abdomen of the husband of the informant, but it caused injury on his right hand. It is alleged against this petitioner that he assaulted the husband of the informant with an iron rod causing fracture injury on his leg.

It is submitted by learned counsel for the petitioner that the only accusation against the petitioner is that he assaulted with an iron rod on the leg of the husband of the information, but there is no injury report on record. Moreover, on conclusion of investigation, accusation under Section 376 of the I.P.C has not been found true, when three accused persons are alleged to have ravished the informant. Out of the three accused persons, co-accused Dhamandi Yadav has been granted bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 54751 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary does not controvert the contention of learned counsel for the petitioner.

Considering the accusation being not corroborated by medical opinion, 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) with two sureties of like amount each to the satisfaction of learned CJM, Jehanabad, in connection with Jehanabad Mahila P.S. Case No. 20/2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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