

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51606 of 2019

Arising Out of PS. Case No.-454 Year-2018 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

VINOD KUMAR JAISWAL @ VINOD JAYASWAL Son of Late
Kamleshwari Jaiswal Resident of Village - Hariyapatti, P.S.- Naugachia,
District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-11-2019 Heard learned counsel for the parties.

Petitioner is apprehending his arrest in connection with
Complaint Case No.454 of 2018 , registered for offences
punishable under Section 376 of the Indian Penal Code.

As per the complaint petition, the petitioner on the point
of knife committed rape upon the complainant.

Submission of the learned counsel for the petitioner is
that the complainant is aged about 72 years as per the voter
I.D. and as per the ADHAR Card, he is aged about 60 years,
which will appear from annexure 2 and 3. Moreover the reason
behind the case is that there is litigation going on between the
petitioner and one lawyer Mukti Kumar Madhu and one of the
cases is ripped up for trial and due to that at the instance of
Mukti Kumari Madhu the present case has been lodged, which
will appear from the fact that in the complaint petition



Bhawesh Yadav and Pradeep Kumar Yadav have been named as witnesses and Pradeep Kumar Yadav and Bhawesh Yadav are juniors to Mukti Kumar Yadav which he has stated on oath in para 19 and 20 of the application.

Heard learned A.P.P. , who has opposed the prayer for bail on the ground the complainant is no way concern with the aforesaid Mukti Kumar Madhu and the case is false and concocted..

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM Ist, Naugachia in connection with Complaint Case No.454 of 2018, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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