

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54659 of 2019

Arising Out of PS. Case No.-1745 Year-2013 Thana- COMPLAINT CASE District- Jamui

Shiv Narayan Yadav @ Gulli Yadav, Son of Masudan Yadav Resident of
Village - Mimahawada, P.S.- Khaira, District - Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Veena Devi, Wife of Yogesh Yadav Resident of Village - Nimanawada, P.S.-
Khaira, District - Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Mahto

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Complaint case No.1745C of 2013 registered for the offence
punishable under Section 450, 376 of IPC in which cognizance
under Section 457, 354 IPC has been taken by the learned
Magistrate vide order dated 15.01.2015

The allegation against the petitioner as per the
complaint lodged by the informant is that while the complainant
was sleeping in her courtyard, the informant entered the house
of the complainant having armed with pistol and outrage the
modesty of complainant and also committed rape upon her.



Learned counsel appearing for petitioner submits that petitioner has falsely been implicated in this case based upon concocted story. Learned counsel further submits that the learned Magistrate has not taken cognizance under Section 376 IPC and cognizance against the petitioner has only been taken against Section 457 and 354 IPC. Learned counsel further submits that both the parties are *Gotia* and there is land dispute between them. Learned counsel further submits that there is compromise arrived at between the parties relating to partition of the landed property dated 19.02.2012 which has been annexed as Annexure-2 to this petition. Learned counsel further submits that father of the petitioner had earlier lodged a case under Section 144 before the SDM, Jamui bearing Case No.106(M) of 2012 against husband of the complainant and others.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are agnates and there is land dispute between them and further the learned Magistrate has not taken cognizance under Section 376 against the petitioner, as such, I am inclined to grant anticipatory bail to the petitioner.



Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri K.K. Deo, Judicial Magistrate, Ist Class, Jamui, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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