

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67624 of 2018

Arising Out of PS. Case No.-113 Year-2018 Thana- BISFI District- Madhubani

Manoj Yadav, Son of Ram Chandra Yadav, Resident of Village- Bisfi Keshwa Tola, P.S.- Bisfi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr. Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 11-01-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Bisfi P.S. Case No. 113 of 2018 registered for the offence punishable under Sections 376 and 506 of the Indian Penal Code.

Informant has alleged that her husband had gone to Delhi and mother-in-law had gone in field for agricultural work and after finding her alone in the house, the petitioner Manoj Yadav forcibly entered into the house and committed rape with her and also threatened that if she discloses it to anyone all family members will be eliminated. Thereafter, his wife, Sunita Devi also came and threatened her not to disclose it to anyone otherwise they will be killed.

It has been submitted on behalf of the petitioner that



he is innocent and has been falsely implicated in this case due to enmity between the parties as the husband of the informant had taken a loan of Rs.50,000/- and was not repaying the same. It has further been stated that during investigation, the police has recorded the statement of the mother-in-law of informant which is contrary to the prosecution story as stated in the F.I.R. The medical report also denies commission of any rape.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Benipatti, Madhubani in connection with Bisfi P.S. Case No. 113 of 2018 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

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