

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66125 of 2019**

Arising Out of PS. Case No.-27 Year-2019 Thana- SINDHWARA District- Darbhanga

1. Bauku Yadav, aged about 50 years, Male, Son of Brahamu Yadav
2. Madan Yadav aged about 18 years, Male, Son of Bauku Yadav
3. Ragni Devi aged about 22 years, Female, Daughter of Bauku Yadav All are resident of Village- Bhawanipur, P.S.- Singhwara, District- Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Iqbal Asif Niazi, Advocate
For the Opposite Party : Mr.Anant Kumar I, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 14-11-2019 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 354, 376, 504 and 506/34 of the Indian Penal Code registered in connection with Singhwara P.S. Case No. 27 of 2019.

The prosecution case, as per written report given by one Sudha Kumari before the Officer Incharge of Singhwara Police Station, is that on false promise of marriage, accused Devendra Yadav continued to have established sexual relation with the informant for the last one year and when she became pregnant, she insisted him for marriage but accused Devendra Yadav refused to marry her rather he aborted her pregnancy by giving medicine. Thereafter the informant reported the matter to his family members



but the accused persons including the petitioners abused and assaulted her with fists and slaps whereas accused Devendra Yadav threatened her not to disclose the matter to anyone and also continued to have established sexual relation with her. It is further alleged that on 11.02.2019 at about 8 P.M. when the informant went to the house of accused Devendra Yadav for insisting him to marry her, all the family members including the petitioners abused and assaulted her and refused to marry her. It is further alleged that accused Devendra Yadav also abused and threatened her from his mobile phone.

Learned counsel for the petitioners submits that innocence of the petitioners is apparent from perusal of FIR itself that the entire allegation of having established sexual relation with the informant is levelled against co-accused Devendra Yadav and there is merely an ornamental and general allegation of abusing and assaulting against them. It is further submitted that the statement of the victim girl has been recorded under Section 164 of the Cr.P.C. wherein she has stated that there was love affairs with accused Devendra Yadav. The petitioners have no criminal antecedents.

In the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial



Magistrate-5, Darbhanga in connection with Singhwara P.S. Case No.
27 of 2019, subject to the conditions as laid down under Section 438
(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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