

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67472 of 2019**

Arising Out of PS. Case No.-85 Year-2019 Thana- ASHOK PAPER MILL District-
Darbhanga

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DILIP YADAV Son of Late Yogendra Yadav @ Yogindra Yadav Resident of
Village - Pethiya Gachhi Dadarbara, P.S.- Ashok Paper Mill, District -
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Nath Jha

For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 07-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 341, 323, 376, 504, 506 and 34 of the
Indian Penal Code, registered in connection with A.P.M. (Ashok
Paper Mill) P.S.Case No. 85 of 2019.

3. It is submitted that the petitioner has been falsely
implicated and the FIR is vexatious merely to harass the
petitioner. The parties are next-door neighbours. The FIR has
been lodged against the petitioner and his family members
including his wife which on the face of it renders the accusation
improbable. There is inordinate delay in filing the written
complaint on 20.06.2019 for the alleged occurrences of



05.05.2018 and 02.06.2019. The medical report of the DMCH shows that there is no sign of sexual intercourse with the informant. The accusation that the petitioner made promise of second marriage with the informant is highly improbable as it was well within the knowledge that she was already married. The petitioner claims clean antecedents.

4. Learned APP appears and has been heard.

5. Be that as it may, in the event of petitioner's arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with A.P.M. (Ashok Paper Mill) P.S.Case No. 85 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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