

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48755 of 2018

Arising Out of PS. Case No.-303 Year-2017 Thana- BAIRIYA District- West Champaran

1. Arti Devi @ Arthi Devi @ Aathi Devi, W/o- Birendra Yadav.
2. Krishna Yadav, S/o Bikram Yadav, Both Resident of Vill.- Tadhwanandpur, P.S.- Bairiya, District- West Champaran.
3. Bhagrashan Yadav, S/o- Late Jagarnath Yadav, Resident of Vill.- Laukaria, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

Criminal Miscellaneous No. 50327 of 2018

Arising Out of PS. Case No.-303 Year-2017 Thana- BAIRIYA District- West Champaran

1. Dharmendra Yadav, S/o- Jag Yadav, Vill- Sanichari, P.S.- Sanichari, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 48755 of 2018)

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

(In Criminal Miscellaneous No. 50327 of 2018)

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 04-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 366, 376/511 and 385/34 of the IPC.



The prosecution case, as per the written report of Sangeeta Devi, dated 06.10.2017, submitted to the Station House Officer, Bairiya Police Station, is to the effect that on 17.09.2017, petitioner no.1, Arti Devi, called the informant and asked her to reach near Nautan Hospital. On 18.09.2017, the informant reached near Nautan Hospital, where all the petitioners were present, who forced the informant to go to Bettiah and on protest being made, they forcefully made the informant sit in a car and brought her to Village Vaishakhawan at the residence of co-accused Vishal Yadav, where Vishal Yadav made an attempt to outrage the modesty of the informant. It is further alleged that when the informant protested, co-accused Vishal Yadav conveyed her that he has purchased her for a consideration amount of Rs. 85,000/- from Dharmendra Yadav. Co-accused Vishal Yadav also asked the informant to marry him, otherwise he will kill her and her children. On the request of the informant, co-accused Vaishal Yadav escorted her to his relative Mahendra Yadav, where Dharmendra Yadav and Vishal Yadav demanded Rs. 2 lacs as extortion.

It is submitted by learned counsel for the petitioners that the whole prosecution case has been cooked up in the background of land dispute, as the petitioners purchased a piece



of land adjacent to their house from a third person, over which the informant was residing and in protest thereof, the present case has been lodged. It is further submitted that for the occurrence of 18.09.2017, the written report was submitted on 06.10.2017, when as per the FIR, the informant was released on the same day. There is no medical report of the informant on record. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, after going through the case diary, submits that though there is accusation of kidnapping against the petitioners but the accusation under Section 376/511 of the IPC is alleged against co-accused Vishal Yadav.

Considering the delayed lodging of the case and the case diary does not suggest availability of any eye-witness to the occurrence, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of



learned CJM, Bettiah in connection with Bairiya P.S. Case No.
303 of 2017, subject to the condition as laid down under Section
438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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