

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9150 of 2020

Arising Out of PS. Case No.-205 Year-2019 Thana- PIPRA District- Supaul

1. ASHOK YADAV Son of Shivu Yadav Resident of Village - Belaikhara, P.S.- Pipra, District- Supaul
2. Saroj Yadav @ Bachha Yadav Son of Shivu Yadav Resident of Village - Belaikhara, P.S.- Pipra, District- Supaul
3. Manoj Yadav @ Manol Yadav Son of Ram Sharan Yadav Resident of Village - Belaikhara, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 30-06-2020 The present case was heard yesterday at length and today, it has been listed for orders.

This is an application for grant of anticipatory bail in connection with Pipra P.S. Case No. 205 of 2019 registered for the offence punishable under Sections 341, 324, 323, 354B, 379, 504 and 506/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein having caught hold of the informant and taken her to the bamboo orchard where they had tried to commit



rape with her, however, upon alarm being raised by her, the brother of the informant and other co-villagers had arrived there resulting in an altercation having taken place in between the prosecution party and the accused persons, whereafter the accused had left the place of occurrence.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case on account of land dispute and they are having a clean antecedent. It is further submitted that though the alleged occurrence had taken place on 22.8.2019 at about 5:30 PM. and the brother of the informant is stated to have rescued the informant with the help of co-villagers, however, the instant case has been lodged only on 26.8.2019 at 18:30 hours belatedly and the entire family members have been implicated in the alleged occurrence.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the



parties, have considered the materials on record as also those available in the case diary and I find that there is a great delay in lodging of the FIR and moreover, there is minuscule evidence available in the case diary, hence, benefit of doubt can be extended to the petitioners as far as their prayer for grant of anticipatory bail is concerned.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Vlth, Supaul in connection with Pipra P.S.Case No. 205 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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