

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15124 of 2020

Arising Out of PS. Case No.-125 Year-2019 Thana- ANDHRAMATH District- Madhubani

1. Rajeev Kumar Yadav aged about 40 years Son of Late Dev Narayan Yadav Resident of Village - Bikramsher, P.O.- Kukurdaura, P.S.- Andharamath, District- Madhubani
2. Shyam Kumar Yadav aged about 38 years Son of Late Dev Narayan Yadav Resident of Village - Bikramsher, P.O.- Kukurdaura, P.S.- Andharamath, District- Madhubani
3. Sanjeev Kumar Yadav @ JSanjeev Kumar Yadav 45 years Son of Late Dev Narayan Yadav Resident of Village - Bikramsher, P.O.- Kukurdaura, P.S.- Andharamath, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Manish Kumar No 13, Advocate
For the Opposite Party	:	Mr.Uday Chand Prasad, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-10-2020 Prayer for anticipatory bail of petitioner no.1 Rajeev Kumar Yadav is dismissed as withdrawn as it is submitted by learned counsel for the petitioners that he has already been arrested by the police pending consideration of this bail petition.

Heard learned counsel for the petitioners no. 2 and 3 and the State through Video Conferencing.

Petitioners apprehend arrest in a case registered for the offence punishable under sections 379/34 and other ancillary sections of the Indian Penal Code.

Petitioners are alleged to have entered into the house of the informant at 11 am. They abused her, petitioner no. 2 tore her clothes and tried to commit rape and demanded Rangdari of Rs.50,000/-. Her father-in-law tried to rescue who too was assaulted by the accused persons. Petitioner no.3 on the point of



pistol snatched gold Mangalsutra and Hasuli of the informant and damaged her house.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to land dispute. He submits that in fact the informant wants to grab the ancestral land, as such, false case has been lodged by her. Petitioners had also filed an application dated 14.8.2019 under sections 144 and 107 of the Cr.P.C. against some persons including the son of the informant and other persons in which show cause notice has also been issued against son of the informant . Soon thereafter, on 28.6.2019 petitioners filed Title Suit No.173 of 2019 against the informant and her son. Learned counsel further submits that the petitioners are own brother and it appears improbable that in the day light they would together enter into the house of the informant to demand rangdari and to commit rape on the informant. Petitioners have got no criminal antecedent.

Considering the facts of the case as well as the fact that there is pending land dispute coupled with animosity between them, prayer for pre-arrest bail of the petitioners no. 2 and 3 is allowed. In the event of arrest/surrender within eight weeks from today, let the petitioners no 2 and 3, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Jhanjharpur, Madhubani in Andharamath Police Station Case No. 125 of 2019, on the following conditions:-

(1) Petitioners 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



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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