

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16287 of 2020

Arising Out of PS. Case No.-37 Year-2019 Thana- MAHILA P.S. District- Lakhisarai

1. PRAKASH YADAV Son of Late Dukhi Yadav Resident of Village - Jankidih Beoldariya, P.S.- Chanan, Distt.- Lakhisarai.
2. Prabin Kumar @ Praveen Kumar Son of Prakash Yadav Resident of Village - Jankidih Beoldariya, P.S.- Chanan, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-09-2020 Heard Mr. Manoj Kumar, learned counsel for the petitioners and Mr. Brajendra Nath Pandey, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Lakhisarai Mahila P.S. Case No. 37 of 2019 registered for the offences punishable under Sections 323, 341, 448, 380, 354(B), 354(D), 376, 511 and 504/34 of the Indian Penal Code, 1860.

The allegation against the petitioners as per the complaint cum First Information Report lodged by Reena Devi stating therein that on 04.11.2019 at about 8:00 p.m. petitioners along with other accused persons entered into the house of the



complainant/informant and started teasing her, and upon protest, the accused persons abused the complainant/informant. It is further alleged that co-accused Deepu Yadav caught hold the hair of the complainant and pushed her on the ground and tried to outrage her modesty.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to the family dispute. Learned counsel further submits that both the parties are agnates and there was dispute between them with regard to lifting of soil from the field of the complainant/informant. Learned counsel also submits that there is considerable delay in lodging the complaint cum First Information Report inasmuch as the occurrence has allegedly taken place on 04.11.2019 but, the complaint was filed after delay of 18 days i.e. on 22.11.2019. Learned counsel next submits that the Police after investigation, submitted final form exonerating the co-accused Deepu Kumar from the charges of attempt to commit rape.

Having heard learned counsel for the parties and taking into consideration the materials on record and the fact that both the parties are co-sharer and there was land dispute between them, I am inclined to grant anticipatory bail to the



petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Lakhisarai, in connection with Lakhisarai Mahila P.S. Case No. 37 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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