

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 21049 of 2020**

Arising Out of PS. Case No.-142 Year-2017 Thana- PHULPARAS District- Madhubani

BINOD YADAV @ VINOD YADAV Son of Manezer Yadav Resident of
Village - Surha, P.S.- Phulparas, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Shashank Chandra, Advocate
For the Opposite Party/s : Mr Amitesh Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 30-06-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Phulparas Police Station (for brevity, *PS*) Case No 142 of 2017 dated 26.05.2017 instituted for the offence punishable under Section (s) 341, 323, 366, 376, 338, 308/34 of Indian Penal Code.



Prosecution case is that the informant has been taken away by the petitioner in his Bolero car at 2.30 am. Allegation suggests that rape was committed and, thereafter, the petitioner did not allow the informant to accompany him on the same car on which she had earlier gone with the petitioner. Thereafter, it is alleged, that she fled away with co-accused Sujeet Yadav and in the process of fleeing, she met with an accident.

Petitioner's counsel submits that the nature of allegation suggests highly improbable sequence of events and no offence can be made out from such allegations. The informant herself, in the first information report (for brevity, *FIR*), has alleged that she was trying to board the vehicle with the petitioner and he was not allowing her to do so. The allegations clearly make out a pre existing consenting relationship between the informant and the instant accused. The informant has subsequently been recovered with co-accused Sujeet Yadav while she met with an accident. The petitioner is a man of clean antecedent and has falsely been implicated in this case. He is in custody since 19.09.2018.

Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner is named accused.

Considering the rival submissions and the period of



custody, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I, Madhubani in connection with Phulparas PS Case No 142 of 2017 dated 26.05.2017 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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