

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21688 of 2020

Arising Out of PS. Case No.-294 Year-2019 Thana- RAJAOLI District- Nawada

1. KAILASH YADAV Son of Prameshwar Yadav Resident of Village - Chitarkoli, Police Station - Rajauli, District - Nawada.
2. Khoshi Yadav Son of Late Khis Yadav Resident of Village - Chitarkoli, Police Station - Rajauli, District - Nawada.
3. Krishna Yadav Son of Prameshwar Yadav Resident of Village - Chitarkoli, Police Station - Rajauli, District - Nawada.
4. Arun Yadav Son of Late Kesho Yadav Resident of Village - Chitarkoli, Police Station - Rajauli, District - Nawada.
5. Ramashis Yadav Son of Prameshwar Yadav Resident of Village - Chitarkoli, Police Station - Rajauli, District - Nawada.
6. Ram Bhajju Yadav Son of Dilchand Yadav Resident of Village - Chitarkoli, Police Station - Rajauli, District - Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Birendra Kumar, Advocate

For the Opposite Party : Smt. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 21-10-2020 Heard Mr. Birendra Kumar, learned counsel appearing on behalf of the petitioners and Smt. Meena Singh, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises out of Rajauli P.S. Case No. 294 of 2019, registered for the offence punishable under Sections 341, 323, 376, 511, 379, 504, 34 of the Indian Penal Code.

Petitioners No. 1, 3 and 5 are full brothers. It is alleged in the F.I.R. that when the informant's wife had gone in



the field on 17.08.2019 to answer call of the nature, petitioner No. 1 caught her hand and attempted to commit rape. It is further alleged that when the wife of the informant attempted to escape, the accused persons named in the FIR thrashed her to the ground and petitioner No.4 pointed a pistol at her. It is also alleged that petitioner No.6 assaulted her with the means of *lathi*. The accused persons are said to have snatched her golden chain.

For the occurrence, which had allegedly taken place on 17.08.2019 at 6 AM, the F.I.R. has been registered on 18.08.2019.

Learned counsel for the petitioners has argued that the informant and the petitioners are next door neighbours and agnates. He has submitted that there is land dispute in the family, because of which false case has been instituted making serious allegation, which are highly improbable. He has submitted that it is highly improbable to believe that full brothers and other members of the same family can jointly participate in commission of nature of offence as alleged in the F.I.R.

On perusal of the F.I.R. and considering the submissions made on behalf of the petitioners, as noted above,



this application is allowed.

Considering the above, this application is allowed.

Let the petitioners above named, in the event of their arrest/surrender within eight weeks from today in the Court below, be released 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 the learned C.J.M., Nawada, in Rajauli P.S. Case No. 294 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the



course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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