

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79034 of 2019

Arising Out of PS. Case No.-70 Year-2018 Thana- BAGAHA District- West Champaran

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Rakesh Yadav, aged about 22 years (M), son of Ramayan Yadav, resident of Village-Chhotaki Patti Gargaon, Police Station-Bagaha, District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. B N Mishra, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. B N Mishra, learned counsel for the petitioner and Mr. Ramchandra Sahni, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Bagaha PS Case No. 70 of 2018 dated 21.02.2018, instituted under Sections 341/307/323/354/354B/504/506/34 of the Indian Penal Code.

4. The allegation against the petitioner and three others is of abusing and assaulting the informant at her tea stall and also trying to outrage her modesty and thereafter when the



informant and her parents had gone to his house, all the accused had also assaulted her.

5. Learned counsel for the petitioner submitted that after thorough investigation, the police had only sent up the father of the petitioner for trial and with regard to the petitioner and two others accused, the case was not found to be true. It was submitted that despite that the Court has taken cognizance. Learned counsel submitted that there are four independent witnesses; two are father and mother of the informant whereas the other three have clearly stated that it was only the father of the petitioner who had gone to the tea stall and assaulted her and the petitioner was not present there. It was submitted that only one witness has supported the version of the FIR. Learned counsel submitted that admittedly there is land dispute with regard to the passage between the parties and that the petitioner has no criminal antecedent. It was further submitted that though the FIR discloses the date of occurrence as 05.02.2018, but the same has been lodged by the informant only on 21.02.2018, without any explanation for the delay. It was submitted that the doctor has not found any injury. It was submitted that the informant has got two injury reports; one dated 08.02.2018 in which the doctor has not found any injury whereas in another



injury report dated 21.02.2018 the doctor has written that she complained of chest and back pain. It was, thus, submitted that the case itself is false and concocted.

6. Learned APP, from the case diary, submitted that the parents of the informant and another witness have supported the prosecution story. However, he did not controvert the fact that three independent witnesses have categorically stated that only the father of the petitioner had assaulted the informant and the petitioner was not even present there and also what was submitted by learned counsel for the petitioner with regard to the injury reports, which do not corroborate the prosecution story.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran in Bagaha PS Case No. 70 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure,



1973. Further, (i) one of the bailors shall be a close relative of the petitioner and (ii) the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds.

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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