

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79413 of 2019

Arising Out of PS. Case No.-277 Year-2019 Thana- BAIRIYA District- West Champaran

Bajrangi Yadav Son of Late Narayan Yadav Resident of Village- Vitaha, P.S.-
Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-03-2020 The petitioner, who is in custody 26.08.2019, seeks bail in connection with Bairiya P.S. Case No. 277 of 2019 dated 25.08.2019 instituted for the offences under Sections 376(2)(g) and 506 of the Indian Penal Code.

The allegation in the FIR is that the victim/prosecutrix was having a live-in relationship with the petitioner for about ten years but of late, the relationship had gone sour. One Shiv Ratan Yadav, ex-Mukhiya of the village, attempted to mediate between the petitioner and the prosecutrix. In the process, it has been alleged that at a desolate place, the prosecutrix was subjected to physical intercourse by the petitioner as also by aforesaid Shiv Ratan Yadav (the ex-Mukhiya of the village).



The learned counsel for the petitioner has submitted that from the bare reading of the FIR, it would appear that the petitioner is no outsider but had been staying with the prosecutrix for the last ten years. What was the reason for both of them falling apart has not been stated.

The learned counsel for the petitioner has submitted that in fact the prosecutrix wanted to marry the petitioner but because of some reason or the other, the petitioner expressed his inability to put a stamp of marriage over the relationship which perhaps irked the prosecutrix.

The allegation of gang rape has not been found to be true in the police investigation and final report false has been submitted in favour of aforesaid Shiv Ratan Yadav.

Considering the aforestated facts, the petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 277 of 2019.

While granting bail, the court below shall verify the aforesaid fact *viz.* submission of final report false in



favour of Shiv Ratan Yadav. Should the aforesaid information be not found correct, this order shall not be given effect to.

(Ashutosh Kumar, J)

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