

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17339 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- MARAUNA District- Supaul

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Ram Prawesh Yadav, age-25 years (male), son of Chandeswar Yadav,
Resident of Village- Harari Total Zingwa, Ward No. 11, P.S.-Marauna,
District-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the State : Ms. Indu Kumari Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 10-06-2021

The matter has been heard *via* video conferencing.

2. The matter has been heard out of turn on the basis of motion slip filed by learned counsel for the petitioner yesterday, which was allowed.

3. Heard Mr. Nafisuzzoha, learned counsel for the petitioner and Ms. Indu Kumari Shrivastava, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Marauna PS Case No. 152 of 2020 dated 19.10.2020, instituted under Sections 323/341/354B/379/504/506/34 of the Indian Penal Code.

5. The allegation against the petitioner is that he



entered into the house of the informant and had disrobed her and had threatened her to do what he says and when the informant raised cry then others are said to have come there and chased the petitioner to his house but his parents abused them and threatened them not to be witness and further that the petitioner had snatched silver chain worth Rs. 4,500/- from the neck of the informant.

6. Learned counsel for the petitioner submitted that the story itself is palpably false and unbelievable. It was submitted that at 1:00 O' clock at night the door being pushed open and without there being any noise or breaking of any latch, cannot be said to be true and further that the informant would wait for her *sari* and petticoat to be removed and then only pushing the culprit is also not believable. It was submitted that the most unbelievable part is that the petitioner is said to have been present at the spot till the time the informant called other persons of the locality and when they came, they had chased him to his house and there it is stated that the parents of the petitioner also threatened them. It was submitted that all the narration in the FIR clearly it is unbelievable and false. It was submitted that there is history of past litigation between the parties. It was submitted that the petitioner has also filed a



complaint case against the informant and her family members. It was submitted that the police had connived in lodging of the FIR as the incident is said to have occurred on 15.10.2020, but the FIR was lodged on 19.10.2020, the reason being that on the same day, the informant and her family members had abused and assaulted the grandmother of the petitioner and they were contemplating to lodge FIR, but in connivance of the local SHO this present case has been filed. It was submitted that such statement has been made on oath by two witnesses, namely Shivji Yadav and Sukhdeo Yadav have sworn affidavit before the Court on 22.12.2020, stating that the police never took their statement under Section 161 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code'), which has been falsely recorded in paragraphs no. 17 and 18 of the case diary, as has been noted in the order dated 04.01.2021 of the Additional District and Sessions Judge, 4th, Supaul in ABP No. 1025 of 2020 by which the prayer for anticipatory bail of the petitioner has been rejected. Learned counsel submitted that in the said affidavit they have also stated with regard to the fact that on 15.10.2020, the grandmother of the petitioner was assaulted by the informant side and to save their skin, the present false case has been lodged. Learned counsel submitted



that the petitioner has no criminal antecedent.

7. Learned APP submitted that there is allegation of attempt to outrage the modesty of the informant by the petitioner.

8. 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 ACJM-VI, Supaul in Marauna PS Case No. 152 of 2020, subject to the conditions laid down in Section 438(2) of the Code and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioner, and (iii) that the petitioner shall co-operate with the Court/police/prosecution. Any violation of the terms and conditions of the bonds or the undertaking or non-cooperation would lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the petitioner.

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

(Ahsanuddin Amanullah, J)

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