

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33007 of 2021

Arising Out of PS. Case No.-309 Year-2019 Thana- SURYAGARHA District- Lakhisarai

MAHO YADAV @ MAHENDRA YADAV S/o Saudi Yadav Resident of
Village - Kharra, P.S. - Suryagarha, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Chandra, Adv

For the Opposite Party/s : Mr.Rajeev Nayan (App)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 26-10-2021 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 354B, 307, 379, 504 of the Indian Penal Code and Section 27 of the Arms Act.

Informant in his written complaint has alleged that on 22.11.2019 at about 4:00 pm her wife namely Daho Devi went to fetch water from the government handpump in the meantime Maho Yadav armed with rifle came and abused her and he did not allow her to take water and when her wife narrated the incident, he went there in the meantime Pappu Yadav, Lalu Yadav, Avinash Yadav, Mogal Yadav, Binod Yadav, Opi Yadav and Ramchandra Yadav variously armed came and pushed down his wife with intention to outrage her modesty and disrobed her

and assaulted her and when the the Informant and his brothers Gajadhar Yadav and Bino Yadav came to rescue, they were also assaulted by them due to which he, his brother and his wife sustained injuries. It is further alleged that Opi Yadav and Maho Yadav took away Rs. 12000/- cash and Pappu Yadav took away Kalsi made of brass.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case on mere suspicion. It has been further submitted that 7 similarly situated co-accused persons have been granted anticipatory bail by the court below itself. Petitioner has got no criminal antecedent.

Petitioner has stated in para 3 of his bail application that he has got no criminal antecedent but, however, in the order dated 24.01.2020, passed by learned Sessions Judge, it has been observed that petitioner has got criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail in the event of his/her arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Suryagarha P.S. Case No.**

309 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C along with following condition:-

(i) The trial Court will verify the criminal antecedent of the petitioner and if it is found that petitioner has got criminal antecedent, petitioner shall not be granted anticipatory bail.

(S. Kumar, J)

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