

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36324 of 2020

Arising Out of PS. Case No.-372 Year-2019 Thana- BAIRIYA District- West Champaran

JAGDISH YADAV S/O BASUDEO YADAV, RESIDENT OF VILLAGE -
BAGAH AHIRANI TOLA, P.S. - BAIRIYA, DIST. - WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 09-04-2021 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Bairiya P.S.
Case No.372 of 2019 registered under Sections 341, 323, 504,
506, 376 and 34 of the Indian Penal Code.

The victim alleged that on 25.10.2019 she called her
neighbour Binod Yadav to take out her chowki from her house.
Binod Yadav came and forcibly committed rape with her. The
husband and brother-in-law of the victim went to the house of
Binod Yadav to enquire about the occurrence but Binod Yadav,
Sanjesh Yadav and Pramod Yadav abused and assaulted the
husband and brother-in-law of the victim.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. The petitioner is the father
of Binod Yadav and during course of investigation, the name of



the petitioner surfaced. Pramod Yadav and Sanjesh Yadav have already been granted anticipatory bail by a coordinate bench of this Court vide order dated 07.07.2020. The case of the petitioner stands on better footing and the petitioner also deserves anticipatory bail.

Learned APP, however, opposed the prayer for anticipatory bail.

On perusal of the records, it appears that the petitioner is not named in the F.I.R. Even during course of investigation, the name of the petitioner surfaced with the allegation that the petitioner forbade the victim (informant) from instituting the case. Similarly situated two other accused persons have already been granted anticipatory bail by a coordinate bench of this Court.

Having considered the facts aforesaid, the petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Bairiya P.S. Case No.372 of 2019, subject to



the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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