

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40139 of 2020

Arising Out of PS. Case No.-43 Year-2020 Thana- PAHARPUR District- East Champaran

OM PRAKASH YADAV@SAHEB YADAV@OM PRAKASH SON OF
RAMSEWAK YADAV RESIDENT OF VILLAGE- AMWA BAIRAGI
TOLA, P.S.- MAJHAULIA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Govind

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-06-2021 Heard Mr. Gaurav Govind, learned advocate for the
petitioner and the Mr. Ram Priya Sharan Singh, learned APP for
the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Paharpur P.S. Case No. 43 of 2020,
instituted for the offences under Sections 376, 313, 120(B) and
34 of the Indian Penal Code.

The prosecutrix has alleged that she was subjected
to sexual intercourse by one Murari Yadav and when she
became pregnant, she was administered a medicine obtained
from the petitioner for her to abort.

Learned counsel for the petitioner has submitted
that the accusation in the F.I.R. itself would demonstrate that a



false case has been instituted against all the accused persons including the petitioner. He further submits that the allegation of rape is not attributed to the petitioner but he has only been made accused on the basis of a statement that the medicine was obtained from him for causing abortion of the prosecutrix who had become pregnant because of her association with Murari Yadav. It has also been pointed out to this Court that Murari Yadav has filed an informatory petition alleging that his sister is married to the brother in law of the prosecutrix and on one occasion when he had visited the house of his sister, he was forced by the family members of the prosecutrix to marry her. The father of the petitioner has also lodged a case against the relatives of the prosecutrix of this case. The victim in her statement under Section 164 Cr.P.C. has not taken the name of the petitioner in any context whatsoever.

Considering the afore-mentioned facts, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from the date of receipt/production of a copy of this order, on furnishing bail bonds of Rs.10,000/- (Rs. Ten Thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial



Magistrate, Motihari in connection with Paharpur P.S. Case
No.43 of 2020, subject to the condition laid down under Section
438(2) of the Code of Criminal Procedure

(Ashutosh Kumar, J)

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