

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5838 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- MUNGER MUFFASIL District- Munger

1. Bhutto Yadav, Son of Late Janki Prasad Yadav,

2. Amar Yadav, Son of Bhutto Yadav,

Both are Resident of Village - Mrlipahari (Katariya), P.S.- Muffasil, Distt.-
Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan, Advocate

For the Opposite Party/s : Smt. Asha Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 15-04-2021 Heard learned counsel for petitioners and learned
counsel for the State.

Petitioners, who are in custody, seek bail in a case
registered for the offences punishable under Sections 376,
511/34 of the Indian Penal Code and section 6/8 of POCSO Act.

As per F.I.R., informant/victim who is minor has
alleged that on 12.08.2020 at about 9:30 P.M., while she had
gone to bring water from the tube well in the meantime, Piyush
Yadav caught her from back side and tried to outrage her
modesty and tried to commit rape upon her but on raising
alarm her parents came outside from the house and then Piyush



fled away. After some time, the father of Piyush Yadav (petitioner no.1) and his brother (petitioner no.2) reached there and assaulted her father by means of fist, slap and stones.

It has been submitted on behalf of the petitioners that they are innocent and have committed no offence. They have been falsely implicated in this case due to dirty village politics and animosity. There is no allegation against the petitioners of committing any sexual assault against informant or any overt act. Petitioners have got no criminal antecedent and are in custody since 14.08.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with G.R. No. 1316 of 2020 arising out of Muffasil P.S. Case No. 185 of 2020, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be represented on each and every date fixed by the court.



(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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