

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2728 of 2021

Arising Out of PS. Case No.-171 Year-2019 Thana- DHANAHA District- West Champaran

RAJ KUMAR YADAV SON OF JIVDHAN YADAV Resident of Village -
Semariya, P.S.- Dhanaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra, Advocate.

For the Opposite Party/s : Mrs. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 26-07-2021 Let the defects be removed within four weeks of the
start of the physical Court.

Heard the parties in virtual Court.

The petitioner is languishing in custody for the
offence punishable under Sections 376, 341 and 323/34 of the
Indian Penal Code.

Two full brothers are accused in this case. The
petitioner bears allegation of commission of rape against a
married lady, whereas brother of the petitioner is alleged to be
helper of the petitioner.

The statement of the victim recorded under Section
164 Cr.P.C. would reveal that a day before the alleged
occurrence, there was quarrel between the two families for some
different reasons. The doctor has not found any sign of recent



rape.

Considering entire facts for the purpose of consideration of prayer for bail, chances of false implication cannot be ruled out. Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Dhanha P.S. Case No. 171 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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