

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19434 of 2021**

Arising Out of PS. Case No.-282 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. SANTU KUMAR @ LALLU @ SAURAV KUMAR SON OF DARA YADAV Resident of Village - Naili, P.S.- Magadh Medical, Distt.- Gaya.
 2. Daray Yadav Son of Sohrai Yadav Resident of Village - Naili, P.S.- Magadh Medical, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 26-04-2022 Heard Mr. S. Jamil Akhtar, learned Advocate for the
petitioners and the State.

This case has come at the instance of the petitioners
for modification of the order dated 08.02.2022.

It appears that the case diary was called for in this
case but no interim protection was granted to the petitioners.
Later, it was found that petitioner no. 1 had some role to play in
as much as he had accompanied the victim girl and thereafter
had abandoned her as a result of which she had to take shelter in
an Ashram where she was raped by two boys but she was
rescued by a foreigner.

Considering this aspect of the matter, his prayer for



bail was rejected.

However, while disposing of the application with respect to him, the Court was erroneously of the opinion that provisional bail had been granted earlier.

On account of such wrong perception, in the order dated 08.02.2022, it has been observed that the order granting provisional bail to the petitioner no. 1 stands recalled and the case of the petitioner no. 1 was dismissed.

The same is modified to the extent that the statement “ *the interim order in his favour is recalled*” is hereby deleted.

So far as the petitioner no. 2 is concerned, based on same erroneous perception that earlier provisional bail was granted to him, this Court directed for confirmation of his provisional bail.

Since the petitioner no. 2 was not found to have done anything and except for his being the father of petitioner no. 1 being the sole reason for making him accused in this case, this Court had intended to grant anticipatory bail to the petitioner no. 2.

The order dated 08.02.2022, so far as it relates to petitioner no. 2 is modified to the extent that in case the petitioner no. 2 (Dara Yadav) surrenders before the court below



within a period of four weeks from the date of receipt/production of a copy of this order, he shall be released on bail, in the event of his arrest or surrender on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Gaya in connection with M.M.C.H. P.S. Case No. 282 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The order dated 08.02.2022 is modified to the extent indicated above.

(Ashutosh Kumar, J)

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