

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22319 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- MAHILA PS District- Darbhanga

Gauri Kumar Yadav S/O Jai Kishun Yadav R/O Ward No.10, M.School,
Arjuna Bijulia Deokali Post Office-Deokaliidham, Police Station-Biraul,
District-Darbhangha 848209, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Smt. Kiran Devi D/O Shree Brind Yadav R/O Village-Shadhua, P.S-Baheri,
District-Darbhangha.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pintu Kumar Patel

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 20-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Darbhanga Mahila P.S. Case no. 41 of 2020 instituted for the offence punishable under Sections 376, 498A, 504, 379/34 of the Indian Penal Code.

As per allegation in the FIR, petitioner had obtained thumb impression of the informant on plain paper, took her Adhar card and embezzled an amount of Rs. Seven lakh. It is further alleged that on the pretext of marriage, petitioner has developed physical relation with her due to which she became pregnant and thereafter petitioner along with other accused persons started to assault and torture her and ultimately they



ousted her from the house after snatching her belongings.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. No occurrence has taken place and entire prosecution story is based on concocted story. In fact, informant is wife of elder brother of petitioner and after his death, informant has performed second marriage with her *dever* (petitioner) with consent of their parents. Petitioner is ready to keep his wife with full honour and dignity.

Learned APP appearing for the State has opposed the prayer of bail and submitted that during investigation witnesses in para 2, 3, 7 and 8 of the case diary have supported the prosecution story and there is direct allegation of establishing physical relation with the informant against the petitioner.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of sexual assault against the petitioner, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

(Sunil Kumar Panwar, J)

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