

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37064 of 2022

Arising Out of PS. Case No.-197 Year-2019 Thana- RAGHUNATHPUR District- Siwan

Mulayam Yadav Son Of Bhutti Lal Yadav R/O- Vill-Mirjapur, P.S.-
Raghunathpur, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Senior Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-09-2022 Heard Mr. Yogesh Chandra Verma, learned Senior
Counsel for the petitioner and Mr. Jitendra Kumar Singh,
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Raghunathpur P.S. Case No.197 of 2019 instituted under
Sections 363, 366, 34 of the IPC and 27 of the Arms Act.

As per the prosecution story, when the informant's
daughter on 14.10.2019 was going to attend call of nature with
her mother and sister, they saw suspicious movement of Vishu
Singh, and his mother. Later as they arrived near Canal,
accuseds Vishu Singh and Sardar, and three unknown persons
came by Scorpio vehicle and pulled her up. As her mother and
sister protested, Raj Kishore Yadav opened fire while Vishu



Singh and his mother caught hold of the other ladies. They later fled away with the victim girl. Accordingly, the FIR was lodged.

Subsequently, the victim girl was recovered and under 164 Cr.P.C. statement, she claimed that the accused persons including the petitioner herein kidnapped her and further allegation that Ramkishore repeatedly committed rape with her. Once, when he left the mobile, she rang her father whereafter the police reached the place and she was recovered.

Learned Senior Counsel submits that the petitioner has been made part of the group and there is nothing specific against him in the 164 Cr.P.C. statement, though allegation of rape in the moving car is also there, the same has not been made against any specific person much less the petitioner herein.

It is his last submission that some of the similar situate persons namely Sardar Khan @ Tausif Khan has been released on bail vide Cr. Misc. No.31694 of 2022 by a co-ordinate Bench on 16.09.2022.

Let the same be kept on record.

Further two accuseds who were also named in 164 Cr.P.C. statement namely Vishu Singh @ Vishu Pratap Singh @ Vishu Pratap and Asha Devi have been granted privilege of



anticipatory bail vide Cr. Misc. No.16438 of 2020 on 27.01.2022 by another co-ordinate Bench which is part of bail application as Annexure-5.

Considering the aforesaid fact that the petitioner is in custody since 11.03.2022, allegation of rape is against Ramkishore, some of the co-accuseds as narrated above have been released on bail, charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Raghunathpur P.S. Case No.197 of 2019 to the satisfaction of learned Chief Judicial Magistrate, Siwan, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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