

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57880 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- JALE District- Darbhanga

Indra Kumar Yadav, Son of Upendra Yadav, Resident of village- Dhankaul,
P.S- Jale, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Advocate Mr. Ugranath Mallik, Advocate
For the Opposite Party/s	:	Mr. Akbar Ali, APP
For the Informant	:	Mrs. Sushmita Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 21-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Y. C. Verma, learned senior counsel for the petitioner and Mrs. Sushmita Sharma, learned counsel for the informant as well as learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Jale P.S. Case No. 16 of 2021 registered for the offences punishable under Sections 354, 376/511 of the Indian Penal Code.

As per prosecution case, it is alleged that on 25.01.2021, at about 2.00 AM, the petitioner entered into the house of the informant armed with knife and tried to commit rape upon his niece, who is deaf and dumb. However, on her



cry, the informant wake-up and saw the petitioner, who was trying to commit rape upon her on the point of knife.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it would be evident that the petitioner apprehended while he was trying to commit rape upon a girl, who is deaf and dumb and for that he is in custody since 27.01.2021, having fair antecedent. He next submits that the backdrop of the occurrence is said to be a piece of ancestral land, adjacent to the house of the informant, over which some dispute is pending since long between the petitioner and the family members of the informant. He further submits that previously the informant also filed a written report, but the police submitted final form showing the petitioner as innocent. He lastly submits that moreover the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand learned counsel for the informant vehemently opposes the bail application and submits that the petitioner is a habitual criminal and earlier also he was apprehended while he was outraging the modesty of the victim, for which a written report was filed, but due to Panchayati, the matter has been settled. She further submits that the victim is a deaf and dumb, having apprehension that she might be again



subjected to commission of such wrongful act and, as such, she prays for safety of the victim.

Learned APP for the State also opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the investigation having been completed, apart from the period of incarceration and fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Darbhanga in connection with Jale P.S. Case No. 16 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) In future, if the petitioner is found indulged in commission of such crime again, the informant would be at librtty to file application for cancellation of the bail bonds of the petitioner.

(Harish Kumar, J)

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