

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60644 of 2021**

Arising Out of PS. Case No.-10 Year-2019 Thana- FATEHPUR District- Gaya

SHAKKI CHANDRA YADAV @ SAKICHAN YADAV @ SHAKKIDAR
YADAV S/o Suraj Yadav @ Sarju Yadav Resident of Village- Burdhiginjoi,
P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 04-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to remove the
defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in Fatehpur P.S. Case
No. 10 of 2019 registered under Sections 376, 511, 341, 323, 504,
506 and 34 of the Indian Penal Code.

Prosecution case in short is that while the informant was in her
house alone, the co-accused entered into her house and attempted to
commit rape upon her. The accused persons abused and assaulted the
mother-in-law of the informant.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner



has been made accused in the present case due to mistake of fact. The allegation of attempting to commit rape is alleged against the co-accused namely Ram Bilas Yadav. There is no allegation of commission of rape alleged against the petitioner. He has been made accused due to previous enmity between the parties.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Additional Chief Judicial Magistrate-Xth, Gaya in connection with Fatehpur P.S. Case No. 10 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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