

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3396 of 2023

Arising Out of PS. Case No.-114 Year-2017 Thana- MAHILA P.S District- Supaul

JAGDISH YADAV Son of Late Munar Yadav R/v- Bhawanipur Uttar, P.S.-
Pratapganj, District- Supaul

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 448, 354, 354B, 504 and 506/34 of the Indian Penal Code.

Allegation against the petitioner is that he entered into the house of the informant and started to misbehave with her and also tried to outrage her modesty and tried to commit rape.

Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the occurrence took place on 19.07.2017 and the F.I.R. was lodged on 27.07.2017, after delay of eight days, there is no explanation of delay in filing the present F.I.R.



which creates serious doubt on the prosecution case. He further submits that the petitioner was enjoying the benefit of Section 41A of the Cr.P.C., later on charge-sheet was submitted on 31.05.2018 and cognizance was taken on 17.05.2022 by the learned Court Below. Petitioner has got one criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Supaul Mahila P.S. Case No. 114 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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