

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23168 of 2023

In

CRIMINAL APPEAL (SJ) No.2799 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- MAHILA P.S District- West Champaran

1. LALLU YADAV Son of Shakal Yadav R/V- Govinapur, Ward no. 13, P.S- Chanpatiya, Dist- West Champaran
2. Bhola Yadav Son of Shakal Yadav R/V- Govinapur, Ward no. 13, P.S- Chanpatiya, Dist- West Champaran
3. Bhawani Devi Wife of Bhola Yadav R/V- Govinapur, Ward no. 13, P.S- Chanpatiya, Dist- West Champaran
4. Rubi Devi Wife of Jhapsi Yadav R/V- Govinapur, Ward no. 13, P.S- Chanpatiya, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jaddo Lal Hazara Son of Shankar Hazara R/V- Govinapur, Ward no. 13, P.S- Chanpatiya, Dist- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Sundar Kumar
For the Opposite Party/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-07-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with the learned counsel for the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 342, 354(A), 354(B), 323, 504, 506 and 34 of the Indian Penal Code Section 8 and 12 of the POCSO Act and Sections 3(1)(R)(S) (W), 3(2) (V-A) of the SC & ST Act.

3. The informant alleges that one her minor niece was coming with food to the field, when Bablu Lal Yadav took her to



the bathan of Vijay Yadav and raped her, thereafter, a Panchayati was held in which all the accused persons including the petitioners started abusing the informant and thereafter, tied the informant to a pole and abused him by taking caste name, it is further alleged that when the informant's father, brother and son-in-law came to rescue then all the accused persons including the petitioners assaulted them with lathi and danda.

4. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that Babu Lal Yadav and Jhansi Yadav, during the course of investigation were arrested and they have been granted the privilege of regular bail, it is further submitted that from bare perusal of the allegations as alleged in the FIR, the allegation against the petitioners are general and omnibus in nature, it is further submitted that though it is alleged that the informant was abused by taking his cast name, but then the FIR does not even remotely suggest that the occurrence was witnessed by any of the witnesses though it is alleged that a Panchayati was being convened which further casts an aspersion on the case of the prosecution.



6. Learned A.P.P. for the State along with the learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submission of the learned counsel for the petitioners that the allegations against them is not specific and the FIR does not even remotely suggest that the occurrence was witnessed by any of the witness and Babu Lal Yadav along with Jhabsi have been granted the privilege of regular bail.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bettiah Mahila P.S. Case No. 07 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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