

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9344 of 2017

Arising Out of PS. Case No.-54 Year-2013 Thana- MAHILA P.S District- West Champaran

1. Ram Nath Yadav Son of Late Prasad Yadav,
2. Thag Choudhary, Son of Neur Choudhary,
3. Bhola Yadav, Son of Ramnath Yadav, All resident of village - Majhariya,
P.S. Bihariganj, District West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 24-02-2023 Heard learned counsel for the petitioners and the
State.

This is an application for quashing of the order dated 29.3.2016 passed by the learned Sub Divisional Judicial Magistrate, Bagaha, West Champaran in Trial No. 3794 of 2016 arising out of the Mahila Thana Case No. 54 of 2013 under Sections 376, 341, 323, 511, 504/34 of the Indian Penal Code.

As per the prosecution story, on 1.8.2013, the informant alleged that she had gone to 'Sareh' for uprooting of the grass when accused persons suddenly appeared and after pushing her on the ground committed rape. As the informant raised 'hulla', returned to her house and disclosed this fact to the



villagers and her husband and when the culprits were confronted, the allegation is that all the accused persons assaulted her husband.

Accordingly, the FIR.

This case was taken up earlier by a coordinate bench of this Court and report was called for which is available on record.

As per the Letter No. 11/2023 dated 7th February, 2023 issued by the learned Judicial Magistrate First Class cum A.M. VI, Bagaha, West Champaran, the following facts have come to the notice :

“Respected Sir,

In compliance with the Hon'ble Court's order dated 02.02.2023 passed in the Criminal Miscellaneous No. 9344 of 2017, I am hereby submitting the report regarding the present status of the case in connection with the Mahila P.S. Case No. 54 of 2013 as under: -

1. Present stage of the case - Pending for Appearance of the accused persons.



2. *The cognizance, in this case, has been taken on 29.03.2016 against the five accused persons u/s 376, 511, 341, 323, 504 and 34 of the I.P.C.*

3. *Out of five accused persons, two accused persons namely. (i) Sunil Yadav, (ii) Akhilesh Chaudhary, have been released on bail by Hon,ble High court criminal Miscellaneous no 47706/2013 and 9416/2014 before taking of the Cognizance.*

4. *Out of these two accused persons, (i) Sunil Yadav (ii) Akhilesh Chaudhary have appeared and were allowed to remain on previous bail after the cognizance has been taken by the court.*

5. *Presently, the case is pending for the appearance of the Three accused persons namely, (i) Bhola Yadav (ii) Ram Nath Yadav and (iii) Thag Chaudhari are never granted bail by any court.”*

A bare perusal of the para-5 shows that all the three petitioners who have approached this Court, never appeared nor



granted bail by any Court. In simple term, they have evaded arrest for almost ten years as the date of occurrence is 1.8.2013.

The kind of conduct that has come up against these petitioners, no relief can be granted to them.

The petition is misconceived and is accordingly dismissed.

(Rajiv Roy, J)

Ajay Singh/-

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