

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38220 of 2023

Arising Out of PS. Case No.-63 Year-2022 Thana- AMDABAD District- Katihar

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SANJEEV YADAV S/O BUNEL YADAV R/O Vilalge. Banku Tola, PS.
Amdabad, Dist. Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Amdabad
P.S. Case No. 63 of 2022 dated 01.04.2022 registered for the
offence under Sections 376, 504, 506/34 of the Indian Penal Code
but the police after investigation submitted charge sheet under
Section 376(D), 504, 506/34 of the Indian Penal Code and
Section 567(A) of the I.T. Act.

The petitioner along with one more are alleged to have
committed rape upon the victim on the point of pistol while she
was sleeping in her house.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that



the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 19.03.2022 at 12:00 in night whereas the instant F.I.R. has been lodged on 01.04.2022 after 13 days without any explanation. He further submits that the petitioner happens to be cousin of the husband of the petitioner and there is admitted land dispute between the parties and on account thereof, petitioner has been made a victim of false implication. He further submits that the though there is allegation of commission of rape against the petitioner upon the informant but no medical report is available on record to show the veracity of commission of rape. He further submits that the co-accused, Manna Yadav was not even present at his house as he earns his livelihood in Bengaluru by working in Angels Granites and he was present at his working place which would be evident from his attendance register annexed as Annexure-2 to this application. Moreover, co-accused, Manna Yadav @ Mannad Yadav having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 03.08.2023 passed in Cr. Misc. No. 36071 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 13.10.2022.



Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the victim in her statement recorded under Sections 161 and 164 Cr. P.C. has supported the prosecution version and fairly submits that the present F.I.R. has been registered after lapse of 13 days without any explanation and the co-accused has also been granted bail by a co-ordinate Bench of this Court.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1, Katihar in connection with Amdabad P.S. Case No. 63 of 2022/ S.T. No. 73 of 2023 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify



the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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