

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53641 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- LAUKAHI District- Madhubani

Avay Kumar Yadav @ Abhay Kumar Yadav Son Of Shobha Yadav Resident
Of Village Mahadeva P.S.- Laukahi District Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Namrata Mishra,Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
22.05.2023 in connection with Laukahi P.S. Case No. 137 of
2023 vide G.R.No.891 of 2023, F.I.R. dated 19.05.2023
registered for the offence punishable under Sections
376,447,341,323,504,506/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he entered
into the room of daughter of the informant and committed
rape on her and when she cried then informant went there and
found that the petitioner was present and then he made call to
other accused persons and they came with various arms and
assaulted and abused the informant and tied the husband of



informant by means of rope.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the present case has been instituted by the mother of the victim and statement of the victim was recorded under Sections 161 Cr.P.C. and 164 Cr.P.C. in which she has narrated different story in the statement under Sections 161 Cr.P.C. and 164 Cr.P.C. and the medical report of the victim does not support the allegation as alleged in the FIR and it appears that the victim was also major at the time of occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 22.05.2023.

5. Learned counsel for the informant and learned APP for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he was caught hold at the place of occurrence but fairly submits that the medical report of the victim does not support



the allegation as alleged in the FIR.

6. Considering the aforesaid facts, let the petitioner, above named, 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 C.J.M., Jhanjharpur, Madhubani in connection with Laukahi P.S. Case No. 137 of 2023 vide G.R.No.891 of 2023, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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