

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55125 of 2023**

Arising Out of PS. Case No.-14 Year-2023 Thana- MAHILA P.S. District- Madhepura

Ganesh Yadav, aged about 50 years, Male, son of Goshaiye Yadav @ Gosai Prasad Yadav, resident of Village- Bardaha Hariya Tola, Ward No. 2, PS- Ghailrah, Dist- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER**

2 30-08-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Mahila PS Case No. 14 of 2023 dated 01.06.2023, instituted for the offence punishable under Sections 341, 323, 376, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that accused Sumit Kumar established physical relationship with the informant on the pretext of performing marriage with her on account of which she became pregnant. Thereafter, the accused Sumit Kumar and other co-accused persons connived and gave her poisonous *Kheer* with intention to kill but anyhow she could



be saved.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is further submitted that in the written report it is alleged that on 20.05.2023 when the informant went to the house of the accused persons, she was abused and assaulted, but the FIR has been lodged on 01.06.2023 i.e., after lapse of six days. It is further submitted that there is no whisper of committing any illegal act by the petitioner. Allegation of rape is against Sumit Kumar and the petitioner has no concern with Sumit Kumar. The allegation of administering poison is against Anita Devi. It is further submitted that the petitioner has been falsely implicated because he is the relative of Dilip Yadav, who is the father of Sumit Kumar. Lastly, it is submitted that the petitioner is in custody since 05.06.2023 having clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the SDJM, Madhepura, in Mahila PS Case No.14 of 2023.



6. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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