

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63237 of 2023

Arising Out of PS. Case No.-89 Year-2019 Thana- BHEJA District- Madhubani

1. Baidyanath Yadav @ Baijnath Yadav Son Of Ramphal Yadav
 2. Rajesh Yadav Son Of Biltu Yadav
- Both are Resident Of Village - Khajuri, P.S. - Bheja, District - Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagandeo Yadav, Advocate
	:	Mr.Udeshya Kumar Yadav, Advocate
	:	Mr.Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr.Pawan Kumar Chaurasia,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-12-2023 Heard Mr.Gagandeo Yadav, learned counsel for the petitioners and Mr.Pawan Kumar Chaurasia, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bheja P.S.Case No.89 of 2019, FIR dated 01.07.2019 registered for the offences punishable under Sections 341,323,324,354(B)379,504/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 23.06.2019 the informant was serving fodder to the cattle in the meantime accused persons namely, Ramfal Yadav started abusing her and called other accused persons namely,



Baidyanath Yadav, Laxhman Yadav, Rajesh Yadav and extorted them to outrage her modesty thereafter Baidyanath Yadav grabbed her hair and brought down on earth and other accused persons dragged her by holding her legs and due that she became naked and accused persons also assaulted her by means of iron rod.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. In fact no occurrence in the matter had taken place and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 23.06.2019 but the present FIR has been instituted on 01.07.2019 after delay of about eight days without giving any explanation of delay and as per FIR, allegation of assault which is attributed against co-accused Laxmi Yadav and there is no allegation of any assault or overt-act attributed against the petitioners.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that there is direct and specific



allegation against the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Madhubani in connection with Bheja P.S. Case No.89 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Nitesh/-

U		T	
---	--	---	--

