

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67726 of 2022

Arising Out of PS. Case No.-118 Year-2016 Thana- MAHILA P.S. District- Araria

1. DEEP PRAKASH @ DIVYA PRAKASH YADAV S/O OM PRAKASH
Resident of Village- Oli Tola, Maranga, P.S.- K. Hat, District- Purnea.
2. PRIYA PRAKASH S/O JAI PRAKASH YADAV Resident of Village- Oli
Tola, Maranga, P.S.- K. Hat, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Chandra

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 15-03-2023 Heard learned counsel for the petitioners and the
State.

Petitioner seeks bail in a case registered for offence
punishable under section 376(D) of the IPC.

As per the prosecution case, both the petitioners and
unknown persons committed rape upon the informant and also
threatened not to disclose the audio to anyone.

It is submitted on behalf of the petitioners that they
have been falsely implicated in this case because the genesis of
the present case is one FIR being K.Hat P.S. Case No. 271/2015
dated 24.04.2015 lodged by the petitioner no. 1 Prakash Yadav
against Chotu Yadav, who is brother of the informant and his
associates for brutal murder of his brother Chandra Prakash
Yadav, which is pending in the Court of ADJ 1st, Purnia in which
petitioner no. 1 is informant and petitioner no. 2 is son of
witness Jay Prakash Yadav who were contesting the case and



ultimately the accused persons were convicted in the ST NO. 52/2016 and during pendency of the aforesaid case, the accused persons of this case started putting pressure on petitioners to compromise this case and when the petitioners were not ready for this, the accused persons planted a lady namely Chabi das for lodging this false case against the petitioners only with a view to put pressure. Police after investigation, submitted final form. Differing with the same, the court below has taken cognizance. Charge sheet has already been submitted. Petitioner is in custody since. 24.09.2022.

Learned counsel appearing for the State vehemently opposes the prayer for bail application and submits that there is specific and direct allegation against petitioners of commission of rape.

Considering the fact that police after investigation submitted final form and petitioners are already in custody, let the petitioners, above named, 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 Sub Divisional Judicial Magistrate, Araria in connection with Araria (Mahila) P.S. Case No. 118/2016 dated 22.12.2016.

(Prabhat Kumar Singh, J)

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