

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69846 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- JANKINAGAR District- Purnia

1. Shambhu Yadav @ Shambhu Kumar Son of Abhinandan Yadav, Resident of Village - Chandpur Bhangha, Police Station - Jankinagar, District- Purnea.
2. Bikash Yadav, Son of Abhinandan Yadav, Resident of Village - Chandpur Bhangha, Police Station - Jankinagar, District- Purnea.
3. Jay Kant Yadav, Son of Kali Yadav, Resident of Village - Chandpur Bhangha, Police Station - Jankinagar, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari, Wife of Chandan Kumar Yadav, Resident of Village - Chandpur Bhangha, Police Station - Jankinagar, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 01-11-2023 Heard the learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 376/323/379 of the Indian Penal Code, registered in connection with Jankinagar P.S.Case No. 28 of 2023.

3. As per allegation, the petitioners outraged the modesty of the complainant.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case merely because there is land dispute between the parties. As a matter of fact, Title Appeal No. 04 of 2017 is pending in the court of the learned District judge, Purnia



between the father-in-law of the informant and petitioner no.1 and another. The FIR was lodged after three months nine days of the occurrence and in the supervision, the Dy. S.P. and the S.P. did not find the case true under Section 376 of the IPC. The case was found true only under bailable Sections, except Section 354(B) of the IPC. Petitioner nos. 1 and 2 are full brother and petitioner no.3 is agnate of the informant.

5. Considering the above facts and circumstances, let the petitioners above-named, in the event of their arrest or surrender within four weeks from the date of communication of this 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 Judicial Magistrate first Class, Purnea in connection with Jankinagar P.S. Case No. 28 of 2023, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Nawneet Kumar Pandey, J)

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