

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72331 of 2023

Arising Out of PS. Case No.-24 Year-2022 Thana- AAYAR District- Bhojpur

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1. JYOTI SINGH YADAV S/o- RAM CHANDRA SINGH Village- Kusumaha Ps- Ayar Dist- Bhojpur At Ara
 2. Manjee Singh son of Bishram singh Village- Kusumaha Ps- Ayar Dist- Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for regular bail in a case instituted for the offence under Sections 323, 342, 376(D) of the Indian Penal Code, Sections 4/8 of the POCSO Act, Section 3(c)(r)(s) of the SC/ST Act and Section 27 of the Arms Act.

3. As per prosecution case, all the named accused persons have committed rape upon the victim and threatened her for dire consequences if she disclosed the matter to anyone.

4. It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case due to



dirty village politics. They have committed no offence. He submitted that from the perusal of the FIR, it appears that the date of occurrence as alleged in the FIR is 08.11.2021 but the Complaint Case No. 70 of 2021 was filed on 08.12.2021 after the delay of about one month and thereafter the present FIR was instituted under Section 156(3) of the Cr.P.C. bearing Ayar P.S. Case No. 24 of 2022 on 01.03.2022. He further submitted that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioners have committed rape upon her but the Medical report of the victim does not supports the allegation as alleged in the FIR as well as the statement of the 164 of the Cr.P.C. of the victim. Petitioners have got no criminal antecedent as stated in para-3 of the bail petition. They are languishing in judicial custody for about six months.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) each with two sureties of the like amount each to the satisfaction of the learned Court concerned in connection with Ayar P.S. Case No. 24 of 2022.

(Sunil Kumar Panwar, J)

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