

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25230 of 2024

Arising Out of PS. Case No.-738 Year-2022 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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1. Mukesh Kumar Yadav S/o Yogendra Yadav
 2. Rajesh Kumar Yadav S/o Yogendra Yadav
Both R/o Vill - Lalmaniya, P.S. - Lalmaniya O.P. (Laukaha), Dist. -
Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kavita Kumari W/o Bhogendra Yadav R/o Vill - Lalmaniya, P.S. - Lalmaiya
O.P. (Laukaha), Dist. - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr.Jitendra Kumar Bharti, learned counsel

for the petitioners and Mr.Kumar Veerendra Narayan, learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with C.R.Case No.738 of 2022, corresponding to
T.R.Case No.1338 of 2023, instituted on 12.12.2022
registered for the offences punishable under Sections
341,323,342,380,452,504/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they
entered inside the house of informant in the courtyard and
Mukesh Kumar Yadav tried to outrage her modesty and



Archana Devi snatched Rs.20,000/-, Renu Devi committed theft of other jewellery and Rajesh Kumar Yadav forcibly took thumb impression of informant's mother.

4. Learned counsel for the petitioners submits that petitioner No.1 has clean antecedent and petitioner No.2 carries one more case other than the present one. They have falsely been implicated in the present case. The allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. In fact the complainant is cousin sister of the petitioners and prior to filing the present complaint petition, the petitioners' side has already lodged an FIR against the family members of the complainant bearing Laukaha P.S. Case No.232 of 2022 and due to this reason the present false complaint case has been filed 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.

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 Sub Divisional Judicial Magistrate, Jhanjharpur, Madhubani in connection with C.R.Case No.738 of 2022, corresponding to T.R.Case No.1338 of 2023, 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/-

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