

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34609 of 2024

Arising Out of PS. Case No.-152 Year-2021 Thana- GAYA MUFASIL District- Gaya

1. Binod Yadav, Son of Chandradev Yadav @ Chanddev Yadav, Resident of Village - Iguna Manjhauli, P.S.- Muffasil, Dist.- Gaya
2. Ashok Yadav, Son of Chandradev Yadav @ Chanddev Yadav, Resident of Village - Iguna Manjhauli, P.S.- Muffasil, Dist.- Gaya
3. Chanderadev Yadav @ Chanddev Yadav, Son of Nandu Yadav, Resident of Village - Iguna Manjhauli, P.S.- Muffasil, Dist.- Gaya
4. Ajay Yadav @ Ajay Kumar, Son of Munshi Yadav, Resident of Village - Navdhariya, P.S.- Buniyadganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithvi Raj Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Prithvi Raj Singh, learned counsel appearing on behalf of the petitioners and Mr. Ram Anurag Singh, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Muffassil P.S. Case No. 152 of 2021, registered for the offences punishable under Sections 341, 323, 504, 506, 354, 379 and 34 of the Indian Penal Code.

3. Allegedly while the informant was in her house, in the mean time all the petitioners in a drunken condition entered in her house. All the co-accused persons caught the hand of the



informant and tried to outrage her modesty. There is also allegation of snatching ornaments/valuables of the informant apart from causing assault by means of iron rod and khanti.

4. Learned counsel appearing on behalf of the petitioners contended that the informant and the petitioners are co-sharers in the property and there is a pending land dispute between them. The petitioner no. 1 and petitioner no. 2 are son of the petitioner no. 3 and, as such, the allegation of outraging the modesty of the informant appears to be not sustainable. It is further submitted that in fact earlier the petitioner no. 2 had instituted an FIR bearing Mufassil P.S. Case No. 451 of 2020 and it is the informant and her family member who wanted to compromise the matter for which the petitioners were not ready and thus the present FIR has been instituted with a view to put pressure upon them. The petitioners also contended that they have fair antecedent and they undertake that they will fully cooperate in the proceeding of this Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that all the accused persons have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that both the parties are co-sharers and the impugned



order does not speak about any injury, coupled with the fact that the petitioners are men of fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate in connection with Mufassil P.S. Case No. 152 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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