

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51447 of 2024

Arising Out of PS. Case No.-702 Year-2020 Thana- BARACHATTI District- Gaya

1. Adesh Kumar Yadav @ Adesh Kumar S/O Rambeny Yadav @ Rambeni Yadav R/O Village- Teshwar, P.O- Itwan, P.S- Mohanpur, Distt.- Gaya, Bihar-824232
2. Parvati Devi @ Lakshmi Devi W/O Rambeny Yadav @ Rambeni Yadav R/O Village- Teshwar, P.O- Itwan, P.S- Mohanpur, Distt.- Gaya, Bihar-824232
3. Rambeny Yadav @ Rambeni Yadav S/O Late Bhaglu Yadav R/O Village- Teshwar, P.O- Itwan, P.S- Mohanpur, Distt.- Gaya, Bihar-824232

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anmol Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Barachatti (Mohanpur) P.S. Case No. 702 of 2020 dated 20.11.2020, lodged under Sections 341, 323, 354, 504, 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioners against whom there is an allegation that they have assaulted the informant and when her daughter came to save her, then petitioner no.1 has tried to outrage the modesty of the



informant's daughter with wrong intention.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that from the contents of the FIR, it become crystal clear that the dispute is relating to agricultural land and it has been accepted by the informant herself that accused petitioners are *gotia*. Counsel further submits that the criminal antecedent of the petitioners are clean. Counsel submits that petitioner no.2 is a female aged about 68 years and petitioner no.3 is also aged about 68 years.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the specific allegation is against petitioner no.1 who has tried to outrage the modesty of the informant's daughter with wrong intention.

6. As such, considering the aforesaid facts and circumstances, let the above named petitioner no.2 and petitioner no.3 be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (thirty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, 1st Sherghati, Gaya in connection with Barachatti (Mohanpur)



P.S. Case No. 702 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. As far as petitioner no.1 is concerned, this Court is not inclined to grant anticipatory bail to him and accordingly, the prayer for anticipatory bail of the petitioner no.1 is hereby rejected with liberty granted that in case, he surrendered within four weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that his anticipatory bail has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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