

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74254 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- Anandpur District- Banka

Vakil Yadav son of Late Ishwarlal Yadav Resident of village - Bagra, Ps-
Anandpur (Chandan), Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Diksha Kumari, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-10-2024 Heard Ms. Diksha Kumari, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner is in judicial custody in connection
with Anandpur P.S. Case No. 26 of 2024 for the offence
punishable under Section 64(1) of the Bhartiya Nyaya Sanhita,
2023 lodged on 21.07.2024 by the informant, Reeta Devi.

3. As per the prosecution story, the informant alleged
that while sleeping, this petitioner came, forcibly took her with
him and in the process raped her. Thereafter, she was taken to
his house where she was assaulted which led to the present case.

4. It is the case of the petitioner that the lady is aged,
married woman of 42 years with grown up female child, it was
consented relationship as would reflect from the statement made



therein that she was taken to the petitioner's home, as there was alleged assault in the house, she was forced to leave the place, infuriated by the said act, the FIR.

5. Learned counsel for the petitioner submits that he has already remained in custody since 29.07.2024 and do not have criminal antecedent.

6. Learned APP opposes the prayer submitting that the allegation is that he took the lady and raped her.

7. Considering the aforesaid submission put forward by the parties as also that from the case, it is clear that when the petitioner approached her, she left her house and went with the petitioner on her own. The FIR is there, the petitioner will have to face the music, he do not have criminal antecedent and is in custody since 29.07.2024, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Anandpur P.S. Case No. 26 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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