

Arising Out of PS. Case No.-32 Year-2024 Thana- AKBARPUR District- Nawada

1. Ashok Kumar @ Ashok Yadav @ Ashok Umar Son of Ramashish Yadav R/o Village -Kundilpur (Bandarkol), P.S. -Akbarpur, Dist. -Nawada
2. Rajesh Yadav son of Awadh Yadav R/o Village -Kundilpur (Bandarkol), P.S. -Akbarpur, Dist. -Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar , Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP
For informant : Mr. Ram PraveshKumar , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioners and
the State .

2. The petitioners seek regular bail in a case registered for the offence punishable under sections Section 147, 148, 149, 295, 323, 307, 354B, 452, 436, 376, 511, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3 . As per the prosecution case , on 25.02.2023 at about 2:00 P.M., mother-in-law of informant brutally assaulted Sanju Devi for which Akbarpur P.S. Case No. 129 of 2023 was lodged. It is further alleged that again on 26.02.2023 at 10:00 P.M., all the accused persons including these petitioners having armed with gun, pistol, lathi, gadasa and iron rod surrounded the



house of the complainant/informant and co-accused Navin Yadav entered into the house of the informant and tried to commit rape with informant and tore her blouse and co-accused Kaushal Yadav started teasing the informant's sister-in-law and thereafter accused persons set the house of the informant on fire due to which 1000 bundle of straw including bed, goat, paddy valued Rs. 15,000/- were burnt, in the meantime, petitioner no. 2 damaged the idol of Goddess Durga and calendar and thereafter, accused persons fled away .

4. Learned counsel for the petitioner submits that both parties are gotias and next door neighbour and there is pending land dispute between them. It is further submitted that the alleged occurrence took place on 26.02.2023 in the night but Complaint Case No. 244 of 2023 was lodged in the Court below on 27.03.2023 i. e., after delay of one month and the instant F.I.R. was lodged on 29.01.2024 for which there is no explanation which itself creates doubt over the entire prosecution . The victim in her statement recorded under Section 164 Cr. P C has not alleged any wrong against these petitioners. Allegation is general and omnibus against these petitioner Charge sheet has already been submitted. Petitioner is in custody since 24.12.2024 .



5 . Learned counsel for the State opposed the prayer
for bail.

6. Considering the 164 Cr.P.C. statement of the victim,
period of custody and other circumstances of the case , prayer
for regular bail of the petitioner is allowed. Let the petitioner,
mentioned above, be enlarged on bail on furnishing bail bond of
Rs.10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of the learned CJM Nawada in
connection with Akbarpur P. S. Case No. 32 of 2024 .

(Prabhat Kumar Singh, J)

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