

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83863 of 2024

In

CRIMINAL APPEAL (SJ) No.4188 of 2024

Arising Out of PS. Case No.-53 Year-2024 Thana- BARACHATTI District- Gaya

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1. Pintu Yadav @ Jitendra Kumar @ Jitendra Kumar Yadav Son of Babulal Yadav R/O Vill.- Jaygir, P.S.- Barachatti, Dist.- Gaya.
 2. Ram Lakhani Yadav Son of Ramsharan Yadav R/O Vill.- Jaygir, P.S.- Barachatti, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gita Devi W/O Krishna Paswan R/O Vill.- Jaygir, P.S.- Barachatti, Dist.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Sinha, Adv.
		Mr. Pushpendra Singh, Adv.
For the Opposite Party/s	:	Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-02-2025 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners are apprehending their arrest in a case in connection with Barachatti P.S. Case No. 53 of 2024 dated 22.01.2024 registered for the offences punishable u/ss 341, 342, 354A, 504, 506 read with Section 34 of the Indian Penal Code and u/ss 8 and 12 of the POCSO Act and Section 3(i)(r), 3(1)(s), 3(2)(va) of SC/ST (PoA) Act.

3. As per the prosecution case, the co-accused, Govind Yadav is alleged to have tried to commit rape on the informant's daughter. When the victim raised alarm, some



villagers assembled there then the co-accused, Govind Yadav threatened the villagers to kill them with tangi and also hurled abuse by calling their caste name. Thereafter, the petitioners and the co-accused person came there and threatened the informant and her family members.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation of abusing against the petitioners and no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the petitioners. The specific allegation of rape is against the co-accused, Govind Yadav @ Govind Prasad Yadav. The petitioners has no concern with the alleged offence. The petitioner no.1 has one criminal antecedent and the petitioner no.2 has four criminal antecedents as stated in para 3 of the bail petition. The co-accused has been granted regular bail by this Court vide order dated 24.07.2024 passed in Cr. Misc. No. 47475 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances



of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Gaya in connection with Barachatti P.S. Case No. 53 of 2024, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with the condition:-

(i) The petitioner no.2, Ram Lakhan Yadav is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner no.2 are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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