

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90212 of 2024

Arising Out of PS. Case No.-121 Year-2022 Thana- MAHILA PS District- Gaya

Shankar Yadav Son of Chandradeep Yadav Resident of Vill- Simra, P.S.-
Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-01-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 121 of 2022 dated 20.12.2022 registered under Sections 376 / 493 of the I.P.C.

3. As per the first information report lodged on 20.12.2022 three years ago the co-accused / Pramod Yadav established physical relationship with the informant on the pretext of marriage, took her to Surat and committed rape over there, as a result of which, the informant became pregnant. The co-accused / Pramod Yadav brought her to his home where the petitioner along with other accused persons assaulted her with fists and slaps.

4. Learned counsel for the petitioner submits that the petitioner has been made accused only because he happens to be the brother of Pramod Yadav. There is no allegation of



committing rape against the petitioner. The allegation of rape on the pretext of marriage is upon Pramod Yadav. He further submits that the informant eloped with Pramod Yadav and has solemnized marriage with him and is residing as husband and wife. They are blessed with a baby also.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation against the petitioner and the fact that there is no allegation that the petitioner on the pretext of marriage has established sexual relationship with the informant, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Gaya in connection with Mahila P.S. Case No. 121 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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(Anil Kumar Sinha, J)

