

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23360 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -BACHWARA District- BEGUSARAI

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Devanand Rai @ Devanandan Rai @ Rudal Rai Son of Yogi Yadav@Yogi
Rai Resident of Village- Samsipur Diyara, P.S. Bachhwara, District
Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Ambika Bhagat (Spl.App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-08-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in custody in a case registered under
Sections 452, 376 and 506 of the Indian Penal Code and Section
3(i)(x)(xi) of SC/ST Act.

It is alleged by the informant (Nutan Kumari) that on
20.6.2014 at about 11.30 while she was sleeping at Varandah of
her house along with her Nanad Sito Kumari at that time the
petitioner and other co-accused entered in the house of Varandah
and tried to rape her. She awoke then both accused persons abused
her and threatened her not to raise hulla, otherwise they will kill
her. Then both persons dragged her and both accused persons
committed forcibly rape upon her.

On behalf of the petitioner, it is submitted that the petitioner is in custody since 30.03.2015 and charge sheet has been submitted in this case. The petitioner has got no criminal antecedent. Further it is submitted that the alleged date of occurrence is 20.06.2014 and in respect to the same, after a period of two months, complaint case was filed i.e. on 26.08.2014. No explanation has been made in respect to the delay on the part of the prosecution. Further, it is submitted that from perusal of the case diary it would appear that the statement of the victim is inconsistent and she has been changing her statement from time to time.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the facts aforesaid, let above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Deopriya Kumar, learned J.M., 1st Class, Begusarai in Bacchwara P.S.Case No. 20 of 2015.

(Sudhir Singh, J)

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