

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15440 of 2015

Arising Out of PS.Case No. -101 Year- 2013 Thana -JOKIHAT District- ARRARIA

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1. Md. Sawood @ Saud Son of Jalal resident of village- Boriya, Police Station- Johihat, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.17805 of 2015

Arising Out of PS.Case No. -101 Year- 2013 Thana -JOKIHAT District- ARRARIA

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1. Murshid son of Late Ibrahim resident of village- bhebhre P.s Jokihat, District- Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.15440 of 2015)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

(In Cr.Misc. No.17805 of 2015)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-05-2015 Heard learned counsels for the petitioner and learned APP for the State.

The petitioners are languishing in custody since 18.02.2015 and 07.02.2015 in a case registered for the offences punishable under sections 363A, 376/34 of the Indian Penal Code though the chargesheet has been submitted under section 366A and 376

(2)(g) of the Indian Penal Code.

It is alleged that Bablu, Rauf and Naved, who were known to the informant, on assurance of performing marriage, took the informant forcefully in an Auto Rickshaw. In the meantime, eight unknown persons came in an auto rickshaw assaulted Bablu, Rauf and Naved when they escaped from the scene, thereafter, all the eight accused persons took the informant in a field and ravished her one by one. Next morning, the informant returned to her house and narrated about the occurrence to her mother.

It is submitted by learned counsel for the petitioners that neither the petitioners are named in the FIR nor in the 164 Cr. P.C statement the victim named the petitioners. In 164 statement, she has only named two persons namely, Firoz and Khurshid, who ravished her, one by one. Learned counsel for the petitioners further submits that the petitioners have not been put on Test Identification Parade and paragraph 3 of both the petitions statements have been made that the petitioners have no criminal antecedent and co-accused have been granted regular bail vide Criminal Miscellaneous No. 32297 of 2013, Criminal Miscellaneous No. 31877 of 2013 and Criminal Miscellaneous No. 44210 of 2014.

Considering the aforesaid, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, Bhagalpur in

connection with Jokihat P.S. Case No.101 of 2013.

However, the learned court below will be at liberty to cancel the bail bonds of the petitioners, if they default for two consecutive occasions or get substantially involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

Ashwini/-

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