

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31796 of 2015

Arising Out of PS.Case No. -5 Year- 2015 Thana -MAHILA PS District- BUXAR

1. Sahul Kumar, son of Kamal Kamkar
2. Deepak Kumar, son of Sri Niwas Choubey.
Both resident of village Nai Bazar, P.S. Buxar (T), District Buxar
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha
For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 14-08-2015 Heard learned counsel for the petitioners, learned
counsel for the informant as well as learned Additional Public
Prosecutor for the State.

There is specific allegation of rape against both the
petitioners but when the statement of victim was recorded under
Section 164 of the Cr.P.C, the victim made contradictory
statements and furthermore, when the learned Magistrate, who
recorded the statement of victim under Section 164 of the Cr.P.C.
gave liberty to the victim to make her statement, the victim stated
that she was in love with the petitioner no. 1, namely, Sahul
Kumar and on his invitation she had gone to his house which was
noticed by her maternal grand father and mother and on their
direction she lodged the case of rape against the petitioners. The

victim was medically examined and her age was assessed between 16 to 17 years. Moreover, her internal examination could not be done due to protest of her maternal grand mother.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I, Buxar in connection with Buxar Mahila P.S. Case No. 05 of 2015 corresponding to POCSO Case No. 08 of 2015.

(Hemant Kumar Srivastava, J)

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