

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29892 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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1. Jitendra Kumar @ Jitendra Paswan Son of Lochan Paswan Resident of
village - Bhadiha, P.S. Bhagwanpur, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.50754 of 2015

Arising Out of PS.Case No. -11 Year- 2015 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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1. Gautam Jha Son of Sunil Kumar Jha Resident of Village Godhiya
Chaman, P.S. Warispur, District Vaishali.
2. Vikash Tiwary Son of Harendra Tiwary, Resident of village Kolhu
Paigambarpur, P.S. Ahiyapur District Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.29892 of 2015)

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Dr. Ajeet Kumar(App)

(In Cr.Misc. No.50754 of 2015)

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 04-11-2015 Both petitions arise out of Muzaffarpur Town P.S. Case

No. 11 of 2015 registered under Sections-376-(F)(G) of the Indian

Penal Code and 4, 8, 12, 17 and 18 of the Posco Act accordingly,

both petitions are being heard and disposed of by this common

order.

Heard learned counsels for the petitioners and learned Additional Public Prosecutor for the State.

It is a serious case of gang rape and petitioners in Cr. Misc. No. 50754 of 2015 are named in the first information report and so far as petitioner in Cr. Misc. No. 29892 of 2015 is concerned; he is named in the first information report as driver of DRDO.

In course of trial, the informant/victim was examined as prosecution witness No. 7 and denied to have identified the petitioners in Cr. Misc. No. 50754 of 2015 and specifically, stated that both the aforesaid petitioners have not participated in the alleged crime. Almost similar statement has been made by witness, Binod Kumar who was present along with victim, prior to the occurrence of rape.

So far as petitioner in Cr. Misc. No. 29892 of 2015 is concerned; he has not only been identified by the victim but was also identified by witness Binod Kumar in course of trial.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, prayer for bail of the petitioner Jitendra Kumar @ Jitendra Paswan (in Cr. Misc. No. 29892 of 2015) stands rejected.

So far as prayer for bail of the petitioners in Cr. Misc. No. 50754 of 2015 is concerned; the same is allowed and both the petitioners named above in Cr. Misc. No. 50754 of 2015, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two of the like amount each in connection with Muzaffarpur Town P.S. Case No. 11 of 2015 to the satisfaction of learned Special Judge (POSCO), Muzaffarpur.

(Hemant Kumar Srivastava, J)

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