

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33084 of 2015

Arising Out of PS.Case No. -43 Year- 2015 Thana -DHANAHAN District-
WESTCHAMPARAN(BETTIAH)

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1. Munna Yadav Son of late Fulena Yadav resident of Village Bagahwa
Tar, P.S. Dhanaha, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s Mr. Abhay Kumar-I(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 15.10.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State and also heard learned counsel
for the informant.

There is allegation of gang-rape against the petitioner and
according to the prosecution case itself, informant was gang raped on
27.3.2015 and written report was given on 30.3.2015. The statement
of the victim was recorded under section 164 of the Cr.P.C on
30.3.2015 i.e. on the date of institution of the present case. In the
statement recorded under section 164 of the Cr.P.C, victim has not
supported the story of rape and she only stated that when she was
returning to her home, she was caught by the petitioner and others but
they did nothing with her.

After recording the aforesaid statement, a petition was filed
on behalf of the informant before the court below on 5.5.2015
mentioning this fact that she made the above stated statement due to

coercion of police.

Learned counsel for the petitioner submits that, as a matter of fact, this false case has been brought by the informant on account of previous enmity and dispute.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Bagaha District West Champaran in Dhanaha P.S. Case no. 43/2015.

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(Hemant Kumar Srivastava,J)

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