

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40404 of 2015**

Arising Out of PS.Case No. -94 Year- 2013 Thana -CHAKAMHESI District- SAMASTIPUR

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1. Pukar Sah @ Ram Pukar Sah Son of Faguni Sah, Resident of Village - Baghala,P.S. - Chakmehsi, District - Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s Mr. Ram Sumiran Roy(App)

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**  
**ORAL ORDER**

02/ 10.09.2015 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

Petitioner along with two persons said to have committed gang rape on the informant but learned Addl. Sessions Judge I, Samastipur granted privilege of bail to two co-accused persons, namely, Ram Ishwar Sahni and Binod Rai on the ground that at the time of hearing of their bail, informant herself appeared in the court and denied the story of rape and furthermore, medical evidence also does not corroborate the accusation levelled against the aforesaid co-persons.

Learned counsel appearing for the petitioner submits that case of the petitioner is similar to the aforesaid co-accused persons and when having doubted the prosecution story, learned court below granted bail to other co-accused, there is no ground to keep the petitioner behind the bar and, therefore, to maintain the parity of

justice, petitioner should also be released on bail.

Having note of the aforesaid submissions as well as this aspect of the matter that having more or less similar allegation two co-accused persons have also been granted privilege of bail whereas petitioner is languishing in jail custody since 12.6.2015 and does not have any criminal antecedent, 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 Chief Judicial Magistrate, Samastipur in Chakmehsi P.S. Case no. 94/2013.

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(Hemant Kumar Srivastava,J)

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