

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39167 of 2014

Arising Out of PS.Case No. -3 Year- 2014 Thana -MAHILA P.S. District- SAMASTIPUR

- =====
1. Rahul Kumar Sahni Son of Sivaji Sahni

2. Arti Kumari D/o Mandir Sahni

3. Preeti Devi @ Preeti Kumari W/o Ashok Sahni

4. Bablu Sahni @ Bablu Kr. Sahni Son of Luxmi Sahni

5. Santosh Kumar Sahni Son of Hari Narayan Sahni

6. Saroj Kumar Sahni Son of Hari Narayan Sahni

7. Birju Kumar Sahni Son of Ganga Prasad Sahni

All resident of village - Bikrampatti, P.S. Khanpur, District - Samastipur
- =====

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.42422 of 2014

Arising Out of PS.Case No. -3 Year- 2014 Thana -MAHILA P.S. District- SAMASTIPUR

Ram Kumar Sahni, son of Hari Narain Sahni

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.39167 of 2014)

For the Petitioner/s : Mr. Rohit Kumar

For the Opposite Party/s : Mr. Shailendra Kumar 1 (App)

(In Cr.Misc. No.42422 of 2014)

For the Petitioner/s : Mr. Rohit Kumar

For the Opposite Party/s : Mr. Dr. M.K. Gautam (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA

ORAL ORDER

522-06-2015

Both the above stated petitions have arisen out of
Samastipur Mahila P.S. Case No. 03 of 2014 registered for the
offences punishable under Sections 376, 120B of the Indian Penal
Code and Section 4 of POCSO Act and accordingly, both the

above stated petitions are being disposed of by this common order.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The accusation against the petitioners in Cr. Misc. No. 39167 of 2014 is that they persuaded the informant to go to Patna and thereafter, petitioner no. 1 and petitioner no. 4 of above stated Cr. Misc. No. 39167 of 2014 took the informant to the house of petitioner in Cr. Misc. No. 42422 of 2014 where she was confined and raped by the petitioner in Cr. Misc. No. 42422 of 2014.

Learned counsel appearing for the petitioners drew my attention towards para 5 of the case diary and submitted that after five days of the alleged occurrence the victim came at Mahila police station, Samastipur where she gave a petition mentioning this fact that she was never kidnapped by any person and similarly, the father of the informant also gave statement that nothing had been happened with his daughter.

The victim was found between 17 to 18 years by the medical board and moreover, the present case was lodged after 20 days of the alleged occurrence and thereafter, after one month of institution of the present case, the statement of victim was recorded under Section 164 of the Cr.P.C.

Considering the aforesaid facts and circumstances as well as submissions of the parties, these anticipatory bail petitions are allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall 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 the Chief Judicial Magistrate, Samastipur in Samastipur Mahila P.S. Case No. 03 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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