

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34704 of 2015

Arising Out of PS.Case No. -10 Year- 2015 Thana -MAHILA PS District- BUXAR

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1. Shrawan Yadav son of Late Baban Yadav
2. Dharmendra Yadav @ Chunmun Yadav son of Uma Shankar Yadav Both
residents of village - Chakki Rangi Dera, P.S. Brahmpur, District - Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 28-08-2015 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State and the learned

counsel for the informant.

There is allegation of gang rape against the petitioners
but learned counsel appearing for the petitioners submits that prior
to institution of the present case, the informant lodged Brahampur
(Chakki O.P.) P.S.case No. 95 of 2015 against the petitioners for
the same occurrence on 16.04.2015 but in the aforesaid case, she
did not make any allegation of rape against the petitioners rather
stated only to the extent that she was brutally assaulted by the
petitioners but on the very next day, i.e. 17.04.2015, the informant
again lodged the present case before the officer in-charge to Buxar
(Mahila) police station and in the aforesaid case, she made
allegation of gang rape against the petitioners and, thereafter,

police got recorded the statement of the victim under section 164 of the Cr.P.C in which she repeated the same version.

Learned counsel appearing for the petitioners submits that this court taking note of the aforesaid fact granted privilege of bail to co-accused Munib Yadav and Sonu Yadav.

Learned counsel appearing for the informant submits that as a matter of fact, the officer –in-charge of Chakki Police station got prepared written report and took thumb impression of the informant and in connivance with the petitioners and other accused, the officer in-charge of Chakki O.P did not mention the fact of gang rape though the informant, specifically, stated about the fact of gang rape before the officer- in-charge of Chakki O.P. It is further pointed out by the learned counsel for the informant that the then officer-in-charge of Chakki O.P. has already been suspended by the higher officials.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in connection with Buxar (Mahila) P.S.Case No. 10 of 2015.

(Hemant Kumar Srivastava, J)

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