

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9540 of 2015

Arising Out of PS.Case No. -31 Year- 2014 Thana -GAMAHARIYA District- MADHEPURA

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1. Permeshwari Paswan Son of Late Mahabir Paswan
2. Kapildeo Paswan Son of Bhumi Paswan
Both are resident of Village - Aurahi, P.S. - Gamharia, District -
Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Renuka Ratnakar (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-04-2015

Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections
147, 146, 323, 341, 376, 504 of the Indian Penal Code
and 12 of the Prevention of Children from the Sexual
Offences Act.

It is alleged that on 12.02.2014 in the night
when the informant went out the house to attend the call
of nature, the petitioners caught hold her hand, gagged
her and brought her at a lonely place and established
forceful physical relationship one by one.

It is submitted by the learned counsel for the
petitioners that the petitioners were not sent up for trial and

charge-sheet was only submitted against Shrawan Kumar, grant daughter of petitioner no. 1, with whom there was love affairs of the informant. It is submitted that for the occurrence of 12.02.2014, the First Information Report was registered on 15.02.2014 and she was medically examined on 17.02.2014 where only abrasion of marginal size was found on forearm and no injury was found on private part. The medical report negates the commission of rape, subsequently informant retracted from his initial version and filed a petition to that effect before the learned court below.

Considering the aforesaid facts, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J., Ist, Madhepura in connection with Gamharia P.S. Case No. 31 of 2014, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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