

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22273 of 2015

Arising Out of PS.Case No. -459 Year- 2014 Thana -BARACHATTI District- GAYA

Vivek Kumar son of Manoj Chaurasiya,

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.22368 of 2015

Arising Out of PS.Case No. -459 Year- 2014 Thana -BARACHATTI District- GAYA

Guddu Kumar Son of Late Rajgeer Sao

.... Petitioner/s

Versus

1. The State of Bihar

2. Yashveer Raju Son of Vijay Manjhi

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.22273 of 2015)

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

(In Cr.Misc. No.22368 of 2015)

For the Petitioner/s : Mr. Abhay Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.Pp)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-07-2015

Heard learned counsels for the petitioners and the
State.

The petitioners are languishing in custody since
23.09.2014 in a case registered for the offences punishable under
sections 366A, 120B,34 of the Indian Penal Code and section
3(1) (xii) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act.

The prosecution case is that the informant and his
sister Khusbu Kumari were sleeping in a room, but subsequently
the informant found her missing. It is alleged by the informant

that petitioner Guddu Kumar and his mother kidnapped the sister of the informant with the help of the petitioner Vivek Kumar, his mother and co-accused Arun Kumar.

It is submitted by learned counsel appearing for the petitioner Vivek Kumar that in 164 Cr. P.C statement the victim got her age recorded as 16 years and has stated that she was kidnapped and ravished by petitioner Guddu Kumar. A statement has been made in paragraph 3 of Criminal Miscellaneous No.22273 of 2015 that the petitioner Vivek Kumar has no criminal antecedent.

Considering the aforesaid fact, let petitioner Vivek Kumar be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghatti, Gaya in connection with Barachatti P.S. Case No.459 of 2014.

So far as petitioner Guddu Kumar is concerned, considering the 164 Cr.P.C. statement of the victim reflecting the thrust of accusation against him, let the xerox copy of the original case diary of Barachatti P.S. Case No.459 of 2014 be called for in connection with aforementioned case.

(Dinesh Kumar Singh, J)

Ashwini/-

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