

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26113 of 2015

Arising Out of PS.Case No. -18 Year- 2015 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Chhotu Kumar, son of Surendra Prasad, resident of village- Barbatta, P.S.
Kako Distt. Jehanabad at present H/O/C/O Lakhan Yadav, Bustand Rajgir
P.S. Rajgir, Distt. Nalanda

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kr. Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-07-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is in custody in a case registered under
Sections 376(G), 506 of the Indian Penal Code and Sections 4/6
of the POCSO Act, 2012.

The prosecution case, in brief, is that while the
informant-victim was returning from her School on 5.2.2015,
accused Abhishekh Kumar, the petitioner and Preman Yadav
had forcible taken her to Rajgir Hills and committed rape upon
her and thereafter six more unknown persons also arrived there
and they also took their turns and committed rape on her.

On behalf of the petitioner, it has been submitted that
the petitioner has no criminal antecedents and he is in custody

since 7.2.2015. Charge sheet has been submitted in the case. It has been submitted that while the victim was going to Rajgir, she had never protested at any point of time and the present prosecution has been brought for ulterior motive. It is further submitted that there is vast contradictions between the statements made in the F.I.R. and the statements made under Section 164 Cr.P.C. It is further submitted that the petitioner may be released after completion of nine months in custody i.e. from 7.2.2015.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and the submissions, it is directed that the petitioner, above named, be released on bail after completion of nine months in custody from 7.2.2015 on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-Cum-Special Judge, Nalanda at Biharsharif, in connection with Mahila P.S. Case No.18 of 2015.

(Sudhir Singh, J)

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