

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13208 of 2015

Arising Out of PS.Case No. -55 Year- 2014 Thana -BRAHMPUR District- BUXAR

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1. Raju Yadav son of Late Nandjee Yadav
 2. Hareram Yadav son of Sri Nageshwar Yadav
 3. Harendra Yadav, son of Sri Chanar Yadav,
 4. Natha Yadav, son of Late Rashbihari Yadav,
- All resident of village- Nainijor, P.s.- Brahmpur, District- Buxar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Bihari Sinha

For the Opposite Party/s : Mr. Ashok Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

04/ 22-05-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are languishing in custody since 12.03.2014 in a case registered for the offences punishable under Sections 363, 366A and 372 of the Indian Penal Code.

The prosecution case is that 16 years old daughter of the informant, namely, Laxmina Kumari used to complain that Raju Yadav, Bhalu Yadav, Meula Yadav, Harendra Yadav, Gangadhari Yadav, Hareram Yadav and Natha Yadav used to did indecent activities by coming on the roof of a school. On 07.03.2014 in the night the daughter of the informant was sleeping

in the female section of the house when on noise the informant he and his family members saw that the victim was being taken by the accused persons leading to the registration of the FIR on 09.03.2014 at 10.00 P.M.

It is submitted by learned counsel for the petitioners that on 07.03.2014 the informant took shelter in the house of Shailendra Tiwary and his domestic help Phultan Yadav when Shailendra Tiwary and his domestic help informed the police and gave their statement before the police that the victim stated to them that she was being assaulted by the father and hence, she took shelter in the house of Shailendra Tiwary. The victim was recovered by the police from the house of Shailendra Tiwary on 09.03.2014 and thereafter on 10.03.2014 the 161 and 164 Cr.P.C. statements of the victim were recorded where she has alleged that she was being kidnapped and ravished by the accused persons. It is further submitted that there is no explanation for delay in lodging the FIR as the occurrence took place in the night of 07.03.2014 when the FIR was registered on 09.03.20104 at 10.00 P.M. admittedly after recovery of the victim girl from the house of Shailendra Tiwary and recording of the statements of his domestic help Phultan Yadav.

Considering the delayed lodging of the case,

there is no explanation for the prosecution with regard to recovery of the victim from the house of Shailendra Tiwary according to whom after being assaulted by her father she took shelter in his house, victim was medically examined on 10.03.2014, but the medical report does not suggest the accusation of rape when the victim is assessed 15 to 16 years and the investigation has already concluded , let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahmpur (Nainijor) P.S. Case No. 55 of 2014.

(Dinesh Kumar Singh, J)

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