

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10090 of 2015

Arising Out of PS.Case No. -82 Year- 2014 Thana -TARAIYA District- SARAN

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1. Nagendra Sharma @ Nagendra Thakur Son of Shyam Bahadur Sharma,
2. Rajesh Rai Son of Chandrika Rai Both resident of Village - Madhopur
Bara, P.S. - Taraiya, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Smt. Anuradha Singh

For the Opposite Party/s : Mr. Ram Priya Sharan (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 25-06-2015

Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

At the very outset, learned counsel for the
petitioners submits that petitioner No. 2 namely, Rajesh Rai has
already been arrested.

Accordingly, this petition in respect of the
petitioner No. 2 namely, Rajesh Rai stands dismissed being
infructuous.

The petitioner No. 1 namely, Nagendra Sharma @
Nagendra Thakur apprehends his arrest in connection with Taraiya
P.S. Case No. 82 of 2014 initially, registered under Section-307 &
other minor sections of the Indian Penal Code and subsequently,

Section-376 of the Indian Penal Code was also added.

It is apparent from the written report of the informant that at the time of institution of the present case, she did not disclose the story of so-called rape and for the first time, after three days of the occurrence, when her statement u/S 164 of the Code of Criminal Procedure was recorded, she disclosed the so-called story of rape and moreover, in the aforesaid statement, she levelled the allegation of rape against the co-accused, Rajesh Rai who has already been arrested by the police.

Considering the aforesaid facts and circumstances as well as submission of the parties, in the event of arrest or surrender of the petitioner No. 2 namely, Nagendra Sharma @ Nagendra Thakur within four weeks from the date of receipt/production of copy of order in the court below, shall be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each in connection with Taraiya P.S. Case No. 82 of 2014 to the satisfaction of Sri S.C. Srivastava, Judicial Magistrate, Saran, Chapra subject to conditions as laid down u/S 438(2) of the Cr. P.C.

(Hemant Kumar Srivastava, J)

A.K.V./-

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