

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37465 of 2015

Arising Out of PS.Case No. -92 Year- 2015 Thana -RIVILGANJ District- SARAN

- =====
1. Alok Kumar son of Ramjit Manjhi
 2. Vishal Kumar son of Amrendra Yadav
- Both are resident of Village - Mohammadpur, P.S. Rivilganj, District Saran, Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Shyam Kumar Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 15-09-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 363, 366 and 120B/34 of the Indian Penal Code.

The accusation is of kidnapping the minor sister of the informant.

In 164 Cr.P.C. statement the victim has stated that she was kidnapped by Jaishankar when another person was also sitting on the motorcycle. Though, in the same breath she has stated that petitioners were also present at the time of kidnapping when petitioner Alok was sitting on the bike

on the back and petitioner Vishal was on another bike, though, she stated that petitioners did not misbehave with her but Jaishankar ravished her. The medical opinion assessed the victim aged 19 years, though, she has claimed to be 15 years while getting her 164 Cr.P.C. statement recorded but no sign of recent intercourse was found by the doctor.

It is submitted by learned counsel for the petitioners that the petitioners are co-villagers and they are not named in the FIR, but subsequently the victim named them. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

It is submitted by learned counsel for the informant that the victim has named these petitioners as accomplice of main accused Jaishankar.

Considering the inconsistency in 164 Cr.P.C. statement of the victim, the accusation being not corroborated with the medical opinion and thrust of accusation against Jaishankar, let the above named petitioners be released on anticipatory 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 Chief Judicial Magistrate, Saran at Chapra
in connection with Revelganj P.S. Case No. 92 of 2015, subject
to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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