

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38458 of 2015

Arising Out of PS.Case No. -9 Year- 2015 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

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1. Umesh Bhagat son of Vishwanath Bhagat Resident of Village- Sirisiya
,Police Station Sathi, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Arbind Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 09-11-2015 Supplementary affidavit is filed on behalf of the
petitioner.

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

Although the case was registered against petitioner and
others for the offence punishable under Sections-366A, 328,
376(2)(g)/34 of the Indian Penal Code and Section-6 of the
(POSCO) Act, 2012 and the police found the case true under the
aforesaid sections but the victim has nowhere stated in her
statement recorded u/S 164 of the Cr.P.C. in respect of story of
gang rape rather the victim stated that the petitioner and co-
accused, Jitendra took her from her home but subsequently, they

brought and dropped her behind her house in unconscious state.

Learned counsel for the petitioner submits that the victim was in love with co-accused, Ramesh and as a matter of fact, there was enmity between family members of victim as well as petitioner and that is the reason of false implication of the petitioner in the alleged crime.

Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, let the petitioner named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Sathi P.S. Case No. 09 of 2015 to the satisfaction of learned Ist Additional District & Sessions Judge-cum-Special Judge, Bettiah, West Champaran.

(Hemant Kumar Srivastava, J)

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