

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1703 of 2016

Arising Out of PS.Case No. -325 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Raja Kumar @ Ashutosh son of Chandraketa Rai
2. Bittu Kumar son of Rajendra Rai
Boys residents of Mohalla- Dighikala, P.S.- Hajipur Sadar, District-
Vaishali at Hajipur.... Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Gulnar Begum(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

5 14-03-2016

Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners seek bail in connection with Hajipur Sadar
P.S. Case No. 325 of 2015 registered for the offences punishable under
Sections 364(a), 377, 392/34 of the Indian Penal Code.

Allegation against the petitioners is that the petitioners
and other co-accused kidnapped the informant, demanded ransom of
Rs. 2,00,000/- from his sister and on refusal snatched Rs. 200/- from
his pocket and committed unnatural sex with him one by one.

Submission is of false implication and that the petitioners
are in custody since 01.07.2015, due to mistake of fact the petitioners
have been implicated, there is no independent eye witness of the
occurrence and due to village politics they have been implicated and in
this case co-accused Manoj Kumar has been allowed bail with
condition that he will be released after completing nine months in

custody from the date of remand and as such the petitioner also deserves sympathetic consideration to which learned APP seriously opposes by submitting that the medical evidence also corroborates the allegation of sodomy and the petitioners and co-accused were caught by the villagers at the spot.

In the facts and circumstances stated above, the petitioners above named are directed to be released on bail after completion of nine months in custody from the date of their remand in this case on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 325 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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