

IN THE HIGH COURT OF JUDICATURE AT PATNA  
Criminal Miscellaneous No.10684 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -MAHILA P.S District- SUPAUL

1. SANTOSH SWARNKAR @ SANTOSH SWARNKARA Son of Shiv Kumar Swarnkar,  
2. Gourav Kumar, Son of Amar Lal Das, Resident of Village - Bhim Nagar, Police Station - Birpur, District - Supaul.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

with

Criminal Miscellaneous No.10148 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -MAHILA P.S District- SUPAUL

1. Tinku Shukla Son of Anirudh Sukla resident of Village Bhim Nagar Police Station Birpur District Supaul.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

with

Criminal Miscellaneous No.15524 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -MAHILA P.S District- SUPAUL

1. Ghanshyam Mandal @ Ghanshyam Kumar Mandal Son of Deo Narain Mandal, Resident of Bhimnagar, P.S. - Birpur, District - Supaul.  
2. Ajay Kumar @ Ajay Kumar Thakur, Son of Shankar Thakur, Resident of Bhimnagar, P.S. - Birpur, District - Supaul.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

Appearance :

(In Cr.Misc. No.10684 of 2016)

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Suresh Pd. Singh (App)

(In Cr.Misc. No.10148 of 2016)

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Suresh Pd. Singh (App)

(In Cr.Misc. No.15524 of 2016)

For the Petitioner/s : Mr. Shailendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

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

3. 26-04-2016 All the three Cr. Misc. cases are of the same occurrence and as such have been heard together and are being disposed of by this common order.

Heard learned counsels for the petitioners and learned A.P.P. representing the State.

The petitioners seek bail in P.O.C.S.O. case no. 2/16, arising out of Mahila Supaul P.S. case no. 5/16 registered for the offences punishable under Section 341, 376(D), 506/34 of the Indian Penal Code.

Allegedly, the petitioners finding the informant alone caught her and after bringing her in field Santosh Swarnkar, Ajay Kumar Thakur, Ghanshyam Mandal and Tinku Shukla committed rape with her. Thereafter, Subodh Shukla caused threats not to lodge the case.

Submission is of false implication and that there is contradiction in the statement of the victim girl recorded under Section 164 Cr.P.C. The victim girl has been examined by the doctor and no spermatozoa was found either living or dead.

The learned A.P.P. opposes prayer for bail by submitting

that the victim was found aged 16-17 years and it is a case of gang rape.

In the facts and circumstances as stated above and considering the allegation against the petitioners serious in nature, I am not inclined to enlarge the petitioners on bail and accordingly their such prayer stand rejected in connection with P.O.C.S.O. case no. 2/16, arising out of Mahila Supaul P.S. case no. 5/16

**(Jitendra Mohan Sharma, J.)**

Vinita/-

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