

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15388 of 2016

Arising Out of PS.Case No. -174 Year- 2015 Thana -MAHILA P.S. District- SIWAN

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1. Bikendra Paswan
 2. Upendra Paswan Both are Son of Late Shyam Bahadur Paswan.
Resident of Village- Salempur Mahadeva, P.S.- Mahadeva O.P. District-
Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

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

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-05-2016 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in connection with Siwan Mahila P.S. Case No. 174 of 2015 registered for the offences punishable under Sections 376(D) of the Indian Penal Code.

Allegedly, the petitioners and Pappu Chauhan after entering into the house of the informant committed rape with her one after another and they bite her also.

Submission is of false implication and that admittedly there is previous land dispute prevailing between both the parties relating to drainage and the informant in her further statement has admitted the same, the doctor who has examined the



informant has not found any sign of injury and further no sign of rape was found, some of the witnesses have stated that due to dispute the case has been lodged and the police after completing investigation has submitted charge sheet under Sections 376/511 of the Indian Penal Code along with other sections and as such the petitioners, who are suffering in custody since 06.12.2015 deserve sympathetic consideration.

Learned A.P.P. opposes the prayer of bail by submitting that the Investigating Officer has found the sign of bite on the cheek of the informant which is mentioned in paragraph-3 of the case diary but fairly submits that the victim has not been examined under Section 164 of the Cr.P.C.

In the facts and circumstances stated above, considering that charge sheet has been submitted under Sections 376/511/34 of the Indian Penal Code and other allied sections, there is no chance of tampering with the prosecution evidence and as such the petitioners above named are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Siwan Mahila P.S. Case No.174 of 2015, subject to conditions that one of the bailors must be near relative and another having sufficient

immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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