

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16129 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -SARAIYA District- MUZAFFARPUR

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Ajay Sharma Son of Puran Sharma, Resident of Village- Mugauli, P.S.- Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 20-05-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The petitioner is an accused in Saraiya P.S. Case No.40/15 registered under Section Sections 366, 376 and 120(B) of the Indian Penal Code.

The accusation is that on 31.1.2015 when the informant went outside to attend the call of nature the petitioner and Baiju Prasad Mahto took her forcibly on the point of pistol to a country made liquor shop where, Soni Kumari, was present from before and in her presence both committed rape after two days they left her near Tutlahi Bridge on 1.2.2015 at 8.30 P.M. The further case of the informant is that she had been kidnapped and raped by both co-accused along with the petitioner at the

instigation of Sonu Kumari.

Submission on behalf of the petitioner is that in fact informant used to reside at her mayaka and wanted the benefit of Indra Awas Yojana but same could not be provided by co-accused who is Mukhiya because she was married and her village was different. The said fact has come in course of investigation in statement of witnesses in paragraphs 51 and 55 of case diary. The petitioner is in jail since 11.2.2016 having no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the S.D.J.M., (West) Muzaffarpur, in Saraiya P.S.Case No.40/15.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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