

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27771 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -MARKAHI District- KHAGARIA

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1. Gholat Sada @ Tanuki Sada Son of Brahmdeo Sada
2. Anjesh Sada Son of Late Kallar Sada Both Resident of village Khairidih,
Police Station Morkahi, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Sri Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 17-09-2016 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

In the first information report, the informant claims that petitioners and one F.I.R named accused Bhushan Sada forcibly took the deceased and not only raped her but also committed her murder. However, in course of investigation, further statement of informant was recorded at para-7 of the case dairy in which informant stated that his younger daughter, namely, Punam Kumari, disclosed to her mother that deceased was taken away by co-accused Bhushan Sada and, after that, villagers caught the aforesaid Bhushan Sada , who disclosed the name of petitioners and also the manner in which the deceased was raped

and killed. The statement of aforesaid Punam Kumari was recorded by the I.O at Para-9 of the case diary and the said witness also repeated the same statement. Furthermore, one witness namely, Maheshwar Sada at para-10 of the case diary also gave similar statement.

Submission on behalf of the petitioners is that except the so called confessional statement of the aforesaid co-accused Bhusahan Sada, there is nothing against the petitioners and according to the further statement of the informant itself, he was not an eye witnesses of the alleged occurrence.

No doubt, it is very serious case of murder of a minor girl but taking into consideration the materials available in the case diary as well as submissions of the parties, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge cum Special Judge, Khagaria in connection with POCSO Case No. 03 of 2016 arising out of Khagaria Morkahi P.S.Case No. 06 of 2016.

(Hemant Kumar Srivastava, J)

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