

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40137 of 2016

Arising Out of PS.Case No. -43 Year- 2014 Thana -ANDER District- SIWAN

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1. Sunaina Devi, Wife of Late Jamadar Singh, resident of Village- Garar,
P.S.- Andar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 18-11-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The victim was recovered in course of investigation and her statement was recorded under section 164 of the Cr.P.C., which is evident from perusal of Para-60 of the case diary. The victim stated that Mickey Kumari, who happens to be daughter of the petitioner, took her to her home where she gave intoxicating tea to the victim, as a result whereof the victim became unconscious and when she regained her consciousness, she found herself in a house situated at Siwan district, where she was subjected to rape by F.I.R named accused persons as well as others.

Submission on behalf of the petitioner is that the above

stated statement of victim is contrary to the statement of the informant. The present occurrence appears to have taken place on 07.04.2014 whereas first information report was lodged on 11.04.2014. The victim nowhere stated the name of the petitioner nor stated about her involvement in the present crime though the alleged occurrence is said to have taken place in the house of the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, 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, Siwan in connection with trail no. 27 of 2016 arising out of Andar P.S.Case No. 43 of 2014.

(Hemant Kumar Srivastava, J)

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