

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16587 of 2016

Arising Out of PS.Case No. -43 Year- 2015 Thana -MAHILA PS District- KATIHAR

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MD. IDRISH @ IDRISH @ MD.IDRISH ANSARI son of Md Noor Alam
@ Md. Nayeem Ansarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Rahmatullah

For the Opposite Party/s Ms. Asha Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 26.04.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections 376
(G)/34, 376(D), 414 of the Indian Penal Code as well as section 4 of
the POCSO Act and section 3 (2) (V) of the SC/ST (Prevention of
Atrocities)Act.

Petitioner and two others are named in the first information
report in which informant claimed that she was gang raped by nine
persons including the petitioner and other FIR named accused persons.

Submission on behalf of the petitioner is that name of the
petitioner was inserted in the written report later on which is evident
from perusal of fardbeyan of the informant through naked eye.
Furthermore, it is submitted that alleged occurrence took place on
21.9.2015 but fardbeyan of the informant was recorded on 24.9.2015
and moreover, statement of victim (informant) was recorded under
section 164 of the Cr.P.C but in the said statement, she has not

disclosed the names of those persons who committed gang rape on her. It is also pointed out that taking note of all the aforesaid facts, a coordinate bench of this court has already been granted privilege of bail to co- accused Jaiki @ Md. Jaiki vide order dated 18.2.2016 passed in Cr. Misc. no.1119/2016 whereas petitioner is in jail custody since 5.10.2015.

Considering the aforesaid facts and circumstances as well as submissions of the parties, particularly, to maintain parity of justice, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge I, Katihar in Katihar Mahila P.S. Case no. 43/2015.

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(Hemant Kumar Srivastava,J)

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