

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5446 of 2016

Arising Out of PS.Case No. -75 Year- 2015 Thana -MAHILA P.S. District- MADHEPURA

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1. Pintu Kumar Mehta Son of Mahendra Mehta,
 2. Kailash Kumar Mehta, Son of Laxman Mehta, Both resident of Village - Barmottar, P.S. - Madhepura (Bharrahi), District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surender Prasad Singh

For the Opposite Party/s : Mr. J.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

8 21-06-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 376 (G) and 506/34 of the I.P.C

Allegedly, the informant was forcibly raped by the petitioners who were identified and three others were not identified and the accused persons fled away after leaving the informant in unconscious state and also after causing threats to kill her.

Submission is of false implication and that the prosecution story appears not probable and reliable, during investigation direction given by the supervising authority has not

been followed, due to the land dispute the petitioners have been implicated, without proper investigation charge sheet has been submitted against the petitioners, no spermatozoa was found and without any fault the petitioners are suffering in custody since 23.10.2015.

The learned A.P.P. opposes prayer for bail by submitting that the victim has supported the allegation of rape against the petitioners even in her statement recorded under section 164 of the Cr.P.C. which is mentioned in paragraph-28 of the case diary and she was found aged 14-16 years and the doctor has found features of intercourse present.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, at present I am not inclined to enlarge the petitioners on bail and accordingly their such prayer stands rejected in connection with Madhepura (Mahila) P.S. Case No. 75 of 2015 pending in the court of S.D.J.M. Madhepura.

However, the petitioners may be at liberty to renew their prayer for bail after examination of the informant-victim during trial.

(Jitendra Mohan Sharma, J)

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