

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9791 of 2016

Arising Out of PS.Case No. -53 Year- 2015 Thana -MAHILA P.S. District- BANKA

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1. Chunni Lal Soren Son of Guru Soren, Resident of Village - Akaia, P.S. - Fullidumar, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. D. Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 29-04-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner is accused in connection with Banka Mahila P.S. Case No.53/2015 registered under Sections 376, 120(B)/34 of the Indian Penal Code and Sections 4, 8, 12 of POSCO Act.

The accusation is of committing rape by three named persons and two unknown male aged about 50 years and 25-26 years at the informant and her daughter.

Learned counsel for the petitioner submits that the allegation has been made against old and young man to commit rape at the informant but in her statement under Section 164 of the Cr.P.C., she has specifically stated about committing rape by one

old man and Pramod and as such, she has not stated about committing rape by this petitioner but in course of investigation, the Investigating Officer has implicated this petitioner merely on suspicion.

On the other hand, the learned Additional Public Prosecutor opposed the prayer of bail and submitted that paragraph- 14 of the case diary shows that the informant identified the petitioner as one of the rapist and this petitioner was apprehended by the police.

Taking into consideration the facts and circumstances of the case and the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner stands rejected.

(Rajendra Kumar Mishra, J.)

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