

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.323 of 2016

Arising Out of PS.Case No. -81 Year- 2015 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Satyendra Kumar S/o - Jiyalal Prasad Resident of Village - Nandpur,
Delho, P.S. - Muffasil Motihari, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Anuradha Singh(App)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
TRIVEDI
ORAL ORDER

3 16-02-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

On 18.09.2015 Husna Ara Khatoon @ Husni aged
about 14 years filed written report alleging inter-alia that in the
preceding night while she came out from her house meet natures
call, two persons came over motorcycles who were identified as
Satyendra Kumar (petitioner) and Ravindra Das, who lifted her,
taken to Usha Healthcare Centre, Batrolia Bazar and then
committed rape one by one.

It has been submitted on behalf of the petitioner that
on the following day victim was examined under Section 164
Cr.P.C., wherein she had supported the case of rape having been

committed by two persons after lifting her but failed to identify petitioner alongwith Ravindra Das to be her assailant. That being so, in the background of conflicting version petitioner is entitled for bail.

Learned A.P.P. opposes the prayer.

From the allegation, it is evident that the petitioner alongwith Ravindra Das, happens to be an assailant has properly been identified which, though during course of statement under Section 164 Cr.P.C has been erased. However, the occurrence is found supported by the victim herself during course of her statement under Section 164 Cr.P.C.

Accordingly, for the present prayer of bail is rejected. However petitioner will be at liberty to renew his prayer after examination of the victim.

(Aditya Kumar Trivedi, J)

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