

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2753 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -MAHILA PS District- AURANGABAD

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1. Chhotan Singh, S/o Laxshmi Singh,
2. Sheru Singh, S/o Krishna Singh, Both residents of Village- Basatpur,
P.S. Barun, District- Aurangabad (Bihar).

.... Appellants

Versus

The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Bhaskar Shankar

For the Respondent/s : Mr. Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-09-2017 Heard learned counsel for the appellants and learned
Special P.P. for the State.

This appeal has been filed for grant of bail in connection with Mahila P.S. Case No. 11 of 2017 registered for the offences punishable under Sections 342, 376, 323, 120B, 504 of the Indian Penal Code, 4 of POCSO Act and 3 of SC/ST Act and for setting aside the order dated 11.8.2017 passed by 1st Additional Sessions Judge-cum-Special Judge, POCSO SC/ST Act, Aurangabad.

Allegation against the appellants is of committing rape upon the informant.

Submission of learned counsel for the appellants is that FIR itself shows that compromise between the parties had been arrived at earlier and thereafter the present case has been filed and



in second part of FIR there is no allegation of rape, rather there is allegation of lifting bhabhi of the informant against the appellants. Further submission is that the case is false and concocted in which no story of rape has been made in the FIR. Further submission is that appellants are in custody since 15.6.2017.

Learned Special P.P. has opposed the prayer for bail of the appellants.

Having heard both sides and in view of facts and circumstances, I am not inclined to grant bail to the appellants.

However, appellants may renew their prayer for bail before the court of Special Judge after framing of charge in this case and the court below will consider the same on the basis of materials on record as well as medical report, if any, and pass an appropriate order, without being prejudiced by this order.

With the above observation, this appeal is disposed of.

(Vinod Kumar Sinha, J)

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