

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50272 of 2017

Arising Out of PS.Case No. -196 Year- 2015 Thana -ATRI District- GAYA

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Chandan Kumar, S/o Bhikhari Ram, Resident of Village- Mahachak, P.S.-
Atari, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.50356 of 2017

Arising Out of PS.Case No. -196 Year- 2015 Thana -ATRI District- GAYA

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Shila Devi @ Shile Devi W/o Bhikhari Ram, R/o Village- Mahachak , P.S.-
Atari, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.50272 of 2017)

For the Petitioner/s : Mr. Ranjan Kumar Sharma

For the Opposite Party/s : Mr. Smt. Sahin Begam

(In Cr.Misc. No.50356 of 2017)

For the Petitioner/s : Mr. Ranjan Kumar Sharma

For the Opposite Party/s : Mr. Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 28-11-2017

Heard the counsels for the parties.

The petitioners seek bail in connection with Atri P.S.

Case No. 196 of 2015 dated 01.10.2015 which was initially
instituted for the offences under Section 363 of the Indian Penal
Code but later, Sections 366, 376, 504 and 34 of the Indian Penal
Code were added.



The prosecutrix had left the home to go to market but she did not return. The prosecutrix actually went missing on 23.10.2015. However, the report regarding the same was lodged by her husband on 01.11.2015. After the victim was recovered on 19.11.2015, she made her statement before the police stating that the petitioner Shila Devi had instigated her to come to market and later, her second husband, Prasad Choudhary had given her a sweetmeat, after eating which she fell unconscious. Later, she found herself in a train and she could sense that she was being taken to Bombay. Later, she saw her brother-in-law and thereafter she was released. In her statement before the police, she has neither named the petitioner Chandan Kumar nor has she alleged any sexual misdemeanor by anybody. However, in her statement under Section 164 Cr.P.C., the victim has spoken about her having been subjected to sexual intercourse by co-accused Prasad Choudhary and the petitioner, Chandan Kumar. After preliminary investigation, charge sheet was submitted against Prasad Choudhary who was put on trial vide Sessions Trial No. 172 of 2016. In the aforesaid Sessions Trial, for the paucity of any material against Prasad Choudhary, he was acquitted by judgment and order dated 04.01.2017.

Learned counsel for the petitioners has submitted that



while charge sheet was submitted against Prasad Choudhary, investigation was kept pending against the petitioners. Now, charge sheet has been submitted against the petitioners as well.

The petitioners are in custody since 04.06.2017.

The petitioner Chandan Kumar does not have any criminal antecedent; whereas the petitioner, Shila Devi @ Shile Devi had earlier become accused in a case in which she is on bail.

Taking into account the aforesaid facts, this Court is inclined to grant bail to the petitioners.

The petitioners above named are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Gaya in connection with Atri P.S. Case No. 196 of 2015.

(Ashutosh Kumar, J)

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