

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80 of 2017

Arising Out of PS.Case No. -23 Year- 2016 Thana -MAHILA District- MUNGER

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1. Bimal Kumar @ Sikandar Kumar @ Sikandar, son of Dhaneshwar Bind,
 2. Manoj Kumar, son of Ram Bilash Mahton, both resident of village- Marpa Kala, P.O.- Amari, P.S.- Dharhara, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Smt. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 11-01-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Mahila P.S. Case No.23 of 2016 instituted for the offence under Section(s) 376, 354, 504, 506, 323/34 Indian Penal Code and Section 12 of POCSO Act.

It is alleged in the written report that on the date of occurrence the informant was alone in her house. One Rahul Kumar entered in her house, tied her mouth and committed rape with her. It is further alleged that when she came out of the house she saw that the petitioners were also standing and watching from outside the house. The victim claimed to have identified the petitioners. Statement of the victim girl was recorded under



Section 164 Cr. P. C., which is annexed as Annexure-2. In her statement under Section 164 Cr. P.C., the victim has levelled specific overt act against the co-accused Rahul Kumar. In this manner, there is no specific overt act against the petitioners either in the written report or in the statement made under Section 164 Cr. P. C.

In the circumstances, prayer of the petitioners for anticipatory bail is allowed and it is directed that in the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Mahila P.S. Case No.23 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge, -cum-Special Judge, Munger, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Sanjay Priya, J)

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