

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5231 of 2017

Arising Out of PS.Case No. -979 Year- 2016 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Longi Devi @ Laungi Devi, wife of Ashok Singh, Resident of Mohalla-
Nooranganj, P.S.- Sasaram (T), District- Rohtas..... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 10-03-2017 Heard learned counsel for the petitioner and learned counsel
representing the State.

Counter affidavit has been filed on behalf of the informant.

Let the same be kept on record.

Petitioner seeks bail in connection with Sasaram Nagar P.S.
Case No. 979 of 2016 registered for the offence punishable under
Section 366(A) of the Indian Penal Code.

Allegedly, unknown boy kidnapped the daughter of the
informant and during investigation the victim girl returned back
and her statement has been recorded under Section 164 Cr.P.C.
wherein she has made allegation against co-accused Sonu, Aman
and Ritesh. The victim has not stated the name of the petitioner
but the name of the petitioner came in the confessional statement



of Sonu and further the petitioner also confessed his guilt.

Submission is of false implication and that the confessional statement made before the Police has got no evidentiary value in the eye of law and the Police after adopting 3rd degree have got recorded the confessional statements, the victim in her statement recorded under Section 164 Cr.P.C. has not stated the name of the petitioner and as such she deserves sympathetic consideration.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the victim was gang rapped and she is minor resulting, in this case chargesheet has been submitted under the POCSO Act also.

In the facts and circumstances stated above, considering that name of the petitioner was not taken by victim in her statement recorded under Section 164 Cr.P.C., the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sasaram in connection with Sasaram (T) P.S. Case No. 979 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial



and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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