

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2954 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -MAHILA P.S District- SUPAUL

- =====
1. Santosh Swarnkar @ Santosh Kumar, Son of Shiv Kumar Swarnkar,
 2. Gourav Kumar, Son of Amar Lal Das, resident of Village- Bhim Nagar,
Police Station- Birpur, District- Supaul.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arun, Advocate
For the Opposite Party : Mr. Sanjay Kumar, Advocate
Mr. Ansul, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

- 2 08-02-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners want to renew the prayer of bail, which was earlier rejected vide order dated 26.04.2016 passed in Cr. Misc. 10684 of 2016, on the ground that during trial the victim girl has been examined and she has not stated the name of the petitioners, she has not identified the petitioners and further stated that she does not know the name of any of the accused persons, the persons assembled at the place of occurrence were stating the names and accordingly the family members have given their names in this case. The doctor has also not found any sign of rape and, as such, the petitioners deserve sympathetic



consideration. The victim has been examined as P.W.5 and the doctor has been examined as P.W.6.

The learned A.P.P. submits that now the victim/informant is retracting from her earlier version.

In the facts and circumstances stated above, considering that now the victim is not stating the names of the petitioners nor she has identified them and, as such, the petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned Sessions Judge, Supaul, in connection with S.T. No. 2 of 2016, arising out of POCSO 2/16 (Supaul P.S. Case No. 05 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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