

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11225 of 2017

Arising Out of PS.Case No. -1010 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Binod Kumar @ Binod Babu, Son of Late Bishundeo Das, Resident of D.B. Road, Saharsa, Police Station and District Saharsa.
 2. Laxman Kumar @ Laxman, Son of Bishwanath Poddar, Resident of Machhali Market, Ward No. 21, Police Station and District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 10-03-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners seek bail in connection with Saharsa P.S. Case No.1010 of 2016 registered under Sections 342, 323, 504, 376 and 313 of the Indian Penal Code besides Sections 3, 4, 5, 6 and 7 of the Immoral Traffic Prevention Act.

The accusation is of enticing away the informant by Vijay Sharma and also performing the marriage with her. The informant further alleged that Vijay Sharma asked her to develop physical relation with another boy but she refused to do the same, due to that reason, she was abused and assaulted by Vijay Sharma. On 03.12.2016, the petitioners also committed rape on her at the guest house.



Learned counsel appearing on behalf of the petitioners submits that after lodging of this case by the informant, her statement under Section 164 of the Code of Criminal Procedure was recorded on 09.12.2016 in which she stated about her moving from the house with Vijay Sharma and performing the marriage with him but when she left the room, the petitioners caught hold of her and asked about the incident. Thereafter, Vijay Sharma also started to leave the hotel. However, he was apprehended and she lodged the F.I.R. against Vijay Sharma saying about pressurizing her by him to make illicit relation with others. The victim has, no where, stated about committing rape by these petitioners. The petitioners having no criminal antecedents are in custody since 05.12.2016.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa, in connection with Saharsa P.S. Case No.1010 of 2016.

(Rajendra Kumar Mishra, J)

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