

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23680 of 2018**

Arising Out of P.S.Case No. -160 Year- 2013 Thana -KAMTAUL District- DARBHANGA

- =====
1. Sonu, Son of Shiv Murti Yadav,
  2. Mukesh, Son of Bauelal Yadav, Both are resident of Village- Pakrihar,  
P.S.- Singhawara, District- Darbhanga.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Babita Kumari

For the Opposite Party/s : Mr. Shailendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

3      17-05-2018                      Heard learned counsel for the petitioners and the State.

The petitioners are in custody in connection with Sessions Trial No.488 of 2017 arising out of Kamtaul P.S.Case No.160 of 2013 pending in the Court of Ist Additional Sessions Judge, Darbhanga registered for an offence under Section 342, 376(G) and 506/34 of the IPC.

As per fardbeyan given before police on 16.09.2013 the informant has alleged that in the night of 06.09.2013 these petitioners and two others abducted her and committed rape and thereafter left her near a temple at village-Bhagwara.

It has been submitted that the present FIR has been lodged at the instance of the persons hostile to the family of the petitioners. The father of the informant has lodged one more case



for the offence under Sections 364 and 365 of the IPC vide Kamtaul P.S.Case No.158 of 2014. She has not stated any specific act against the petitioners. The petitioners are in custody since 06.09.2017 having clean antecedent and so they deserve bail.

The learned APP opposed the submissions.

On perusal of FIR and case diary, it appears that both the petitioners and two others are named in the FIR with specific allegation that they kidnapped the informant and committed rape on her. The victim has disclosed her age before learned Magistrate as 15 years. The victim was produced before the doctor who also assessed her age in between 16 to 17 years. In course of investigation, a large number of witnesses have supported the allegation of committing rape on her vide para-2, 3, 4, 45, 46 and 47 of the case diary.

Considering the aforesaid facts, I am not inclined to grant bail to the petitioner. Prayer is rejected.

**(Sanjay Kumar, J)**

B.Kr./-

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