

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15385 of 2019

Arising Out of PS. Case No.-418 Year-2018 Thana- BIKRAMGANJ District- Rohtas

1. BUNTI @ BUNTI KUMAR @ Banti Nut, son of Late Saheb Nat, resident of Village- Dhangain, Natwar Road, Bikramganj, P.S.- Bikramganj, District- Rohtas.
2. Lakhan Nut, son of Late Ram Janam Nut, resident of Village- Dhangain (Bikramganj), Ward No. 10, P.S.- Bikramganj, District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioners are languishing in custody since 02.11.2018 in connection with Bikramganj P.S. Case No.418 of 2018 registered for the offences punishable under Sections 376D, 454, 382 of the Indian Penal Code.

Prosecution case as per the statement of Basanti Devi recorded on 1.10.2018 at 3. 45 P.M. is to the effect that informant was residing with her husband and five children in a room. Her husband was working as a Security Guard in Vision School. It is further alleged that while her husband was on night duty, in morning, when she was cleaning utensils, there accused



persons namely, Binay Yadav, Bunti and Lakhan Nut entered in her house and ravish her one by one.

It is submitted by learned counsel for the petitioner that in the statement recorded under Section 164 Cr.P.C. on 6th October, 2018, she has alleged that she was inimical term with the accused persons. The victim was sentenced to medical examination on the date of occurrence on 1.10.2014. The doctor/ The Pathological report suggests that sparmatozoa has not been found in the vaginal swab that no external or internal injury has been found on perineum region. However, subsequently, the informant has filed affidavit before the learned Court below to the effect that at the time of occurrence, since the accused persons with their face concealed, hence she could not identify them and she has named the persons on the information supplied by some other persons. No independent witnesses have been examined during investigation, which has now been concluded.

Learned A.P.P. has vehemently opposed the prayer for bail and submits that the specific accusation is alleged against the petitioner.

Considering the fact that there is specific statement of the victim recorded under Section 164 Cr.P.C. that her clothes



were torn by the accused persons, but the FIR does not suggest. As such medical opinion does not suggest any internal and external injury being found coupled with the fact that under Section 164 of the Cr.P.C., suggests completely negative the accusation and the investigation has already been concluded, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bikramganj, District-Rohtas in connection with Bikramganj P.S. Case No.418 of 2018.

(Dinesh Kumar Singh, J)

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