

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45009 of 2019**

Arising Out of PS. Case No.-106 Year-2019 Thana- GAYA MUFASIL District- Gaya

1. AWADHESH MANJHI Son of Basudev Manjhi
2. Kapil Paswan Son of Late Sidheshwar Paswan
3. Durga Paswan Son of Late Sidheshwar Paswan
4. Aditya Paswan Son of karu Paswan all are Resident of Village - Sohaipur, P.S.- Muffasil, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 06-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners who are in custody since 25.03.2019 has filed the instant application for grant of bail in connection with Muffasil P.S. Case No.106/2019 registered for the offence punishable under section 376(D) of the Indian Penal Code.

As per the allegation in the FIR, six accused persons including these four petitioners are alleged to have committed rape on the informant.

It is submitted by learned counsel for the petitioners that the statement of the informant was recorded under Section 164 wherein she has not supported the allegations of rape as



levelled in the FIR. The medical report also does not support the allegations. The petitioners are in custody since 25.03.2019 and have no criminal antecedent. It is further submitted that one of the co-accused namely, Sudama Paswan has already been enlarged on bail vide order dated 08.07.2019 passed in ABP No.15/2019.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the statement of the informant under section 164 Cr.P.C. together with the material that has transpired in course of investigation, the Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No.106/2019.

(Partha Sarthy, J)

Prakash Narayan /-

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