

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74184 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- GHOSWARI District- Patna

1. SHIV KANT KUMAR Son of Shiv Kumar Paswan Resident of Amba, P.S.-
Rahui, District- Nalanda At Biharsharif
2. Sudama Paswan @ Ritesh Son of Shiv Dani Paswan Resident of Amba, P.S.-
Rahui, District- Nalanda At Biharsharif
3. Munchun @ Munchun Paswan @ Raju Son of Late Shiv Raj Paswan
Resident of Amba, P.S.- Rahui, District- Nalanda At Biharsharif

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey
For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 11-12-2019 Heard learned counsel for the parties.

Petitioners are apprehending their arrest in connection with Ghoshwari P.S.Case No.74 of 2019 G.R.No.1077 of 2019 , registered for offences punishable under Sections 365, 376, 379/34 of the Indian Penal Code.

As per FIR, there is allegation against the petitioner and other accused persons that they have called the informant on the plea that her father has fall ill and took her on the Beloro vehicle and thereafter there is allegation against one Manikant Kumar that he has committed rape upon her. Further it appears from her statement under Section 164 Cr.P.C. that she has made



allegation of commission of gang rape against all the accused persons including petitioner.

Submission of the learned counsel for the petitioner is that the victim is the informant herself and she has not stated anything about the gang rape of her in the written report before the police and later on she has come with this case in the background that there is enmity between the parties and large number of cases are going on between the parties, which will appear from Annexure 3 and 4. Moreover she is major.

On the other hand , learned A.P.P. and the learned counsel for the informant has opposed the prayer for bail stating that this is a case of gang rape .

Heard learned APP .

In view of the facts and circumstances as stated above, and also considering the fact that the victim has not named this petitioner in the written report before the Police, which is her first statement about commission of rape by the petitioners and also considering that cases are going on between parties, let the petitioners, above named, in the event of arrest or surrender before the learned court below, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction



of the learned Shri Karuna Nidhi Arya, J.M. Ist Class, Barh,
District Patna in connection with Ghoshwari P.S.Case No.74 of
2019, subject to conditions as laid down under Section 438 (2)
of the Code of Criminal Procedure with condition to co-operate
in the disposal of the trial.

With the above direction, this application is allowed.

(Vinod Kumar Sinha, J)

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