

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22088 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- GAMAHARIYA District- Madhepura

1. ANISH RAM @ ANISH KUMAR S/o- Birendra Ram Resident of Village- Jiwachpur, Tulsi Tola, P.S.- Gamharia, District- Madhepura.
2. Akhilesh Ram @ Akhilesh Kumar S/o Late Fulten Ram Resident of Village- Jiwachpur, Tulsi Tola, P.S.- Gamharia, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr. Shyam Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-10-2020 Heard learned counsel for the petitioners as well as learned APP for the State through video conferencing.

The petitioners are languishing in custody for the offences punishable under sections 376, 34 of the Indian Penal Code.

Prosecution case is that, on 7.3.2020 at 6.30 p.m. the informant namely Reshma Devi was returning home from market at the same time two boys sexually assaulted her in the bamboo clump and after seeing some villagers coming to them both fled away. It is further alleged that near about 7 pm those two boys came at the place of occurrence to search their mobile then villagers caught them.



Learned counsel for the State opposes prayer for bail and submits that, aforesaid prosecution case has been supported by victim in her section 164 Cr.P.C. statement, though in the medical report the doctor did not find any sign of commission of rape. The age of victim is 55 years.

Considering the nature of allegation I do not find it a fit case for grant of bail. Prayer for bail of both petitioners is rejected.

(Prabhat Kumar Singh, J)

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