

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28187 of 2020

Arising Out of PS. Case No.-15 Year-2020 Thana- MAHILA PS District- Darbhanga

1. CHHOTE LAL DEV S/o Bhikhari Lal Deo Resident of Manoratha, P.S.- Ashok Paper Mills, District-Darbhangha.
2. Ankesh Lal Dev S/o Kailash Lal Deo Resident of Manoratha, P.S.-Ashok Paper Mills, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Udai Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-12-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioners seek bail in Darbhanga Mahila P.S. case No. 15/2020 registered u/s 376DB of the IPC and u/s 4/6 of the POCSO Act.

The mother of the victim is the informant. The informant alleged that her daughter went out of her house for urination but when she did not return immediately a search was made and her daughter was found unconscious at a distance of 200 meters away from her house. She was smeared with blood. The informant took her daughter to Darbhanga for treatment. On



03.03.2020 when her daughter got consciousness she disclosed that Maya Shanker Lal Dev, Ankesh Lal Dev and Chhote Lal Dev, the petitioners, took her at a lonely place and all the three committed rape with her on the point of knife.

The learned counsel for the petitioner submits that, of course, the petitioners are named in the FIR but during the course of investigation the statement of the victim was recorded u/s 161 and 164 of the Cr. P. C. but she did not disclose the name of the petitioners. The victim disclosed that Maya Shanker Lal Dev forcibly took her on a motor cycle and two other persons were standing at a Bandh. Maya Shanker Lal Dev committed rape with her and she became unconscious. It is further submitted that the victim did not disclose the name of the two other persons and, therefore, the petitioners deserve bail.

The learned APP opposed the prayer for bail.

Perused the records.

It appears that the victim at the first instance after regaining consciousness narrated the facts to her mother that she was forcibly taken to a lonely place where rape was committed with her. Other witnesses have also disclosed that all the three accused persons, including the petitioners, committed rape with the victim. Of course, the victim does not disclose the name of



the petitioners but the victim disclosed that two persons were standing on the Bandh while Maya Shanker Lal Dev was committing rape with her and she became unconscious. All the three accused persons and the victim were examined by the doctor. The doctor found that the victim was sexually assaulted. The doctor also medically examined the petitioners and other accused person and found that there is possibility that petitioners have committed sexual intercourse recently. The medical evidence corroborates the fact that the petitioners also committed rape with the victim.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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