

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.68952 of 2019**

Arising Out of PS. Case No.-19 Year-2019 Thana- MAHILA PS District- Gaya

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1. SINTU KUMAR @ THEPIA, aged about 18 years, Male, Son of Sri Devalaganj Yadav @ Bharosa Yadav, Resident of Village - Kujap, P.S.- Chandauti, Distt.- Gaya
  2. Jitendra Kumar @ Andapoch, aged about 19 years, Male, Son of Sri Rajdeo Yadav, Resident of Village - Kujap, P.S.- Chandauti, Distt.- Gaya
  3. Jeetu Kumar @ Jitu Kumar @ Chuhia, aged about 18 years, Male, Son of Sri Yugesh Yadav @ Bhuin Yadav, Resident of Village - Kujap, P.S.- Chandauti, Distt.- Gaya ... Petitioners

Versus

The State of Bihar

... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Shailesh Kumar, Adv.

For the Opposite Party : Mr. Satyavrat Verma, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

3      18-02-2020                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek bail in connection with Mahila P.S. Case No. 19 of 2019 (POCSO Case No. 60 of 2019), registered under Sections 376D of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act, 2012.

The accusation is that while the informant had gone to attend the call of nature, she was forcibly caught hold by the petitioners and one Sharavan Kumar committed rape on her and, thereafter, they gave threatening to her to not disclose the incident to anyone. On 26.06.2019, she felt abdominal pain, thereafter, her mother made query, on which she disclosed the incident to her mother.

Submission is that due to enmity the petitioners have been falsely implicated in this case. Further, submission is that in her re-statement the informant has narrated the different story



to the effect that at that time of occurrence she was indulged in physical relation with Puja Kumar @ Santosh Kumar in the vegetable field, at that time, petitioners and Sharavan Kumar passing through that field humiliated Puja Kumar @ Santosh Kumar and committed rape on her. The informant, further, in her statement, recorded under Section 164 of the Criminal Procedure Code disclosed that she was taken by both boys in forest where they committed rape and she became unconscious and when she regained consciousness, she reached near the house of Guddu. Further, submission is that the petitioners have no criminal antecedent and are in custody since 26.08.2019.

Having regard to the facts and circumstances of the case, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Mahila P.S. Case No. 19 of 2019 (POCSO Case No. 60 of 2019) to the satisfaction of the Additional District Judge I-cum-Special Judge, POCSO Act, Gaya.

**(Rajendra Kumar Mishra, J)**

Shamshad/-

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