

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79507 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

1. Pintu Gupta Son of Tapesar Shah Resident of Village - Baheta Ganga Ram, P.S.- Hathauri, Distt.- Muzaffarpur, Bihar.
2. Nishant Gupta Son of Jawahar Lal Gupta Resident of Village - Baheta Ganga Ram, P.S.- Hathauri, Distt.- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4762 of 2020

Arising Out of PS. Case No.-46 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

Prasant Gupta @ Prashant Kumar Son of Jawahar Lal Gupta Resident of Village - Barheta Gangaram, P.S.- Hathauri, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 79507 of 2019)

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Pancha Nand Pandit

(In CRIMINAL MISCELLANEOUS No. 4762 of 2020)

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 17-03-2020 Since both the above stated criminal miscellaneous petitions have arisen out of the same P.S. case, i.e., Mahila P.S. Case No. 46 of 2019, therefore, both the cases have been taken together and are being disposed of by this common order.

Heard learned counsels for the petitioners as well as



learned Additional Public Prosecutor for the State.

Petitioners seek bail in connection with the above stated case registered for the offences punishable under Sections 366A/34, 364 of the Indian Penal Code and Section 4 of the P.O.C.S.O. Act.

There is specific allegation of gang rape against all the petitioners. However, learned counsels appearing for petitioners submit that there is variance in the first information report as well as statement of informant recorded under Section 164 of the Code of Criminal Procedure and, furthermore, the medical report does not corroborate the allegation.

Considering the aforesaid facts and circumstances as well as submissions of the parties, I am not inclined to release the petitioners on bail.

Accordingly, prayer for bail of the petitioners stands rejected.

(Hemant Kumar Srivastava, J)

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