

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45229 of 2024

Arising Out of PS. Case No.-35 Year-2023 Thana- MAHILA P.S. District- Siwan

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1. Pintu Gond Son of Late Rajendra Gond @ Rajendra Sah R/O VILL.- BHOPATPURA, P.O. AND P.S.- MAIRWA, DIST.- SIWAN
 2. Patarka @ Dipak Gond @ Dipak Kumar Son of Late Rajendra Gond @ Rajendra Sah R/O VILL.- BHOPATPURA, P.O. AND P.S.- MAIRWA, DIST.- SIWAN

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar
2. Most. Lailun Khatoon Wife of Late Mukhtar Ansari R/O VILL.- BHOPATPURA, P.O. AND P.S.- MAIRWA, DIST.- SIWAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.
For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 14-11-2024 Heard learned counsel for the petitioner, State and the informant.

2. The petitioners are in custody in connection with Session Trial No. 179 of 2024 arising out of Siwan Mahila P.S. Case No. 35 of 2023 for the offence punishable under sections 376 and 323 and later added Section 120(B) of the Indian Penal Code and Sections 4 and 6 of the POCSO Act lodged on 31.07.2023 by the informant, Lailun Khatoon.

3. As per the prosecution story, the complainant/informant alleged that the accused persons took her daughter and committed gang rape, as a result whereof, she



became pregnant, though the lady tried in vain to lodge FIR, as the police delayed, the complaint was filed.

4. In this case, the Co-ordinate Bench had called for the the case diary and the statement of the victim girl, which is/are on record and a perusal of it would show that she is/was mentally retarded but can understand and narrate her ordeal, she has described how the two brothers, in shift committed rape, one in the morning and other in the evening, which was felt by her as she had complaint about the pain. Subsequently, she got pregnant and now blessed with a child.

5. The girl has narrated her story, it is unfortunate that the two brothers/petitioners herein did not spare even the mentally retarded girl and on the threaten of knife, repeatedly committed rape, which resulted into her being pregnant and later gave birth to child.

6. In that background, it would be appropriate that both the petitioners faces trial, the bail application stands rejected.

(Rajiv Roy, J)

Vijay Singh/-

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