

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8061 of 2015

Arising Out of PS.Case No. -518 Year- 2014 Thana -KANKARBAGH District- PATNA

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1. Mukesh Kumar S/O Raj Kumar Yadav, Resident of Mohalla- Changar
Road No. 8, P.S.- Kankarbagh, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate.

For the Opposite Party/s : Mr. Parmanand Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-03-2015 Heard both sides.

The petitioner seeks bail in Kankarbagh P.S. Case No. 518 of 2014, registered for the offences punishable under Sections 376(G), 364 and 34 of the Indian Penal Code.

The victim in her fardbeyan alleged that while she was on duty in City Hospital, Kankarbagh. Dharmendra Kumar and this petitioner committed rape with her one by one.

Learned counsel for the petitioner submits that the victim is aged about 30 years. The victim made her statement under Section 164 of the Cr.P.C. and she disclosed very categorically that Dharmendra Kumar committed rape with her and this petitioner did not commit rape with her, he bite her chick.

Learned APP however opposed the prayer for bail of

the petitioner.

Perused the record, it appears that the victim in her statement under Section 164 of the Cr.P.C. as incorporated in para-33 of the case diary has alleged that only Dharmendra Kumar committed rape with her and Mukesh Kumar the petitioner assaulted her but did not rape her.

Considering the facts aforesaid and the fact that the victim resiles from her earlier statement and stated in her statement recorded under Section 164 of the Cr.P.C. that the petitioner did not commit rape with her, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Satyapriya Anand, the learned Judicial Magistrate 1st Class, Patna in connection with Kankarbagh P.S. Case No. 518 of 2014.

(Prabhat Kumar Jha, J.)

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