

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16384 of 2015

Arising out of PS.Case No. -875 Year- 2014 Thana -BIHTA District- PATNA

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NAND KUMAR @ NANDA @ NANDAN KUMAR, Son of Mangal Verma, resident of Village- Dilawarpur, P.S Bihta , District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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with

Criminal Miscellaneous No.17760 of 2015

Arising out of PS.Case No. -875 Year- 2014 Thana -BIHTA District- PATNA

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Bhura @ Bhura Yadav @ Indradeo Yadav, S/o Yogendra yadav, R/village- Dilawarpur, P.S- Bihta, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.16384 of 2015)

For the Petitioner : Mr. Mithilesh Kumar, Advocate.

For the Opposite Party : Mr. Sadanand Paswan (Spl.App)

(In Cr.Misc. No.17760 of 2015)

For the Petitioner : None.

For the Opposite Party : Mr. Ambika Bhagat(Spl. P.P.)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-06-2015 Both the cases were called together as the same arise out of the same P.S. Case No. Bihta P.S. Case No. 875 of 2014.

Learned counsel for the petitioner in Cr. Misc. No. 16384 of 2015 is present. So far as counsel for the petitioner of Cr. Misc. No. 17760 of 2015 is not present. Hence, the application for bail of Cr. Misc. No. 16384 of 2015 is only been taken up.

The petitioner is languishing in custody since 22.11.2014 in connection with Bihta P.S. Case No. 875 of 2014 for the offences instituted under Section 376(G)/34 of the I.P.C. 4 of the POSCO Act and 3(2)(v) and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

Heard learned counsel for the petitioner and learned counsel for the State.

The prosecution story, in brief, is that on 25.10.2014 the informant came at the house of her Mausi Sushila Devi at Bishambharpur. On that day in the morning hour, she called upon a boy of his village, namely, Kaju on her Mobile No. 7654969127 at Bihta on his Mobile No. 7654971593. It is further alleged that on 20.11.2014 at about 12.00 hours in the day she came at Bihta Bazar for wandering from Bishambhapur and reached at Bihta Chauraha at 12.30 P.M., where Kaju has also come. It is further alleged that during course of wandering they reached under over bridge on HPCL and sat in the side of Railway line under a tree and started to talk. It is further alleged that when they started to proceed from there, four boys came there, out of them, three boys caught the girl and one boy started to assault Kaju. It is further alleged that three boys got her down and removed her lower clothes. It is further alleged that all the four boys committed rape



with her by and by. Thereafter, two persons came there and they also started to press chest of the informant, she started weeping. It is further alleged that on the noise of the informant many people came and caught a boy who disclosed his name as Dipak Kumar. He also disclosed the name of other rapist as Sonu Kumar, Chunchun Kumar and Nandu Kumar(petitioner). He also disclosed the name of persons who were pressing her chest as Bhura and Ramji.

It has been submitted on behalf of the petitioner that there is no eye witness to the occurrence. It has further been submitted that the petitioner has no criminal antecedent and he has falsely been implicated in the present case i.e., on the confession of one Dipak Kumar.

On behalf of the State, it has been submitted that in such nature of cases, the victim itself is the eye witness and her statement can not be disbelieved. Further from F.I.R. itself, it appears that in the statement of Dipak Kumar, the petitioner is also alleged to be one of the persons who committed rape upon the victim and was hardly age of 17 years and a student of Intermediate of Arts.

Considering the nature of allegation, I am not inclined to grant bail to the petitioner in connection with Bihta P.S. Case No.

875 of 2014, pending in the court of the learned A.C.J.M. Danapur, Patna. Anyhow, the trial court is directed to expedite the process of trial and conclude the same at earliest.

U.K./-

(Sudhir Singh, J)

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