

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29506 of 2015**

Arising Out of PS.Case No. -3 Year- 2012 Thana -MAHILA P.S. District- PATNA

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1. Prashant Kumar Jha @ Prashant Jha, son of Sri Prabhakar Jha, resident of Airport Colony, C.P.W.D. Quarter Type- III/2, Police Station- Airport, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Murari Prasad Sinha

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

4      03-12-2015

Heard the learned counsel for the petitioner as well as the learned A.P.P.

The petitioner seeks bail in a case for the offences punishable under sections 376 (2G), 120 (B), 292, 293, 294, 323, 504 and 506/34 of the I.P.C and sections 67, 67 (A), 67 (B) and 68 of the Information Technology Act, 2000.

Allegedly, the petitioner having affair with the minor informant called her and brought in a flat and there he and his friends committed rape with her. During investigation the statement of the victim girl has also been recorded wherein also she has stated that the petitioner and others committed rape with her and she was called by the petitioner.

Submission is of false implication and that the petitioner is juvenile and his application is pending before the

Hon'ble Apex Court. The medical evidence also does not support the allegation of rape. The petitioner has been falsely implicated only with a view to put pressure so that he can marry with the victim for which the petitioner was/is not ready. Other co-accused, namely, Dinesh Paswan, Rahul Lamba and Shushant Kumar have been allowed bail and as such the petitioner also deserves sympathetic consideration as he has got no criminal antecedent.

The learned A.P.P. opposes prayer for bail by submitting that during investigation the prosecution version has been supported, the petitioner is named in the FIR and he is the main accused as he has called the informant and committed gang rape with her. The victim was examined after much delay and as such sign of rape was not found in the medical evidence. The case of the petitioner is on different footing.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with S. Tr. No. 1231 of 2012/ 430 of 2014 arising out of Mahila (Patna) P.S. Case No. 03 of 2012 pending in the court of Adhoc Additional Sessions Judge-IVth, Patna.

Abhay/-

**(Jitendra Mohan Sharma, J)**

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