

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.13606 of 2016**

Arising Out of PS.Case No. -154 Year- 2015 Thana -BODHGAYA District- GAYA

1. Nitesh Kumar Sharma @ Rahul Sharma son of Dinesh Sharma, Resident of Kandu Mohalla P.S.- Sadar (Daltenganj), District- Plamu (Jharkhand)

.... .... Petitioner/s

Versus

1. The State of Bihar

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

**Appearance :**

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Md.Fahimuddin(App)

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

3      11-05-2016      Heard learned counsel for the petitioner, learned A.P.P. representing the State and learned counsel for the informant.

The petitioner seeks bail in connection with Bodh-Gaya P.S. Case No. 154 of 2015 registered for the offences punishable under Sections 302, 201, 120-B/34 of the Indian Penal Code.

Allegedly, Dipak Kumar Dubey, aged 14 years student of Hansh Raj Public School, Kharauti, Gaya- Dobhi Road, Bodh Gaya fled away from the hostel and for that information was given by the Headmaster to the informant and accordingly, the informant lodged this case. During investigation, it transpired that Dipak Kumar Dubey was having love affair with Smriti Kumari and he and Smriti Kumari both fled away but in the way Sajjan met them

and he took away both at Daltangunj and there Sajan with help of petitioner and other co-accused killed Dipak Dubey and further Sajan committed rape with Smriti Kumari.

Submission is of false implication and that there is no legal and tangible material against the petitioner, only on the basis of confessional statement of co-accused-Sajan, who is the brother of the petitioner and also on the basis of confessional statement of the petitioner he is suffering in custody since 02.12.2015 and, as such, he deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. duly assisted by the learned counsel for the informant seriously opposes the prayer of bail by submitting that Smriti Kumari in her statement recorded under Section 164 Cr.P.C. has stated the name of Sajan, the petitioner and their friends that they were with Dipak and further besides their confessional statements, witnesses, namely Jaipal Thakur, Kalabati Devi vide paras 38 and 39 of the case diary have taken the name of the petitioner also and, as such, the petitioner does not deserve bail.

In the facts and circumstances stated above, considering the material collected during investigation against the

petitioner, at present I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected in connection with Bodh-Gaya P.S. Case No. 154 of 2015 pending in the court of learned CJM, Gaya.

**(Jitendra Mohan Sharma, J)**

sushma/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|