

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19632 of 2016

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

Dharmendra Kumar @ Dharmendra Rai @ Dharmendra Yadav, Son of Late Jainandan Rai, resident of Bigrampur, P.S. Jakkanpur, District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Pd. Singh, Sr. Advocate and
Mr. Rakesh Singh, Advocate.

For the Opposite Party : Mr. S.N.Shukla(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 07-09-2016 Heard learned senior counsel for the petitioner and
learned counsel for the State.

The petitioner is languishing in custody since 12.11.2014
in connection with Sessions Trial No. 638 of 2015, arising out of
Kankarbagh P.S. Case No. 518 of 2014 for the offences instituted
under Sections 376(G) and 364/34 of the IPC.

The prosecution story, in brief, is that while the
informant was on duty in City Hospital, Kankarbagh, Patna, this
petitioner and co-accused Mukesh Kumar committed rape upon
her one by one.

A report had been called for from the learned court
below. The same is at Flag-‘A’.

It has been submitted on behalf of the petitioner that the

petitioner is in custody since 12.11.2014. The charge has not yet been framed in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The medical examination report of the victim do not support the allegation made in the FIR. The other co-accused has been granted bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 8061 of 2015.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-Vth-cum-Special Judge SC/ST(POA) Act, Patna, in connection with Sessions Trial No. 638 of 2015, arising out of Kankarbagh P.S. Case No. 518 of 2014.

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(Sudhir Singh, J)