

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40075 of 2016

Arising Out of PS.Case No. -212 Year- 2014 Thana -ALAMGANJ District- PATNA

1. Rajania @ Bhajaniya Son of Gulab Chandra Mahto Resident of Meena Bazar, Kurapar, P.S. Alamganj, District Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey

For the Opposite Party/s : Mr. Sri Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor.

It happens to be a case of gang rape which, learned counsel for the petitioner suggests to be a case under Section 354 IPC which is found applicable against the petitioner in the background of the fact that he was standing near the victim and neither was threatening nor facilitate act of rape by one of the co-accused.

In terms of Section 376 (explanation 1) it is apparent that whenever a woman is raped by one from a group of person acting in furtherance of their common intention, then in that event, each person is to be identified as a member of gang rape and that being so, the prayer for bail in connection with Sessions Trial No. 1015 of 2014 arising out of Alamganj P.S. Case No. 212 of 2014, pending in the court of learned Additional Sessions Judge-V, Patnacity, Patna is rejected.

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(Aditya Kumar Trivedi, J)