

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46132 of 2016

Arising Out of PS.Case No. -53 Year- 2015 Thana -MAHILA P.S. District- BANKA

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1. Kamdeo Yadav S/o Late Ram Bilas Yadav Resident of village -
Punarbash, Police Station - Banka, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

04/ 20.12.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections 376,
120B/34 of the Indian Penal Code and section 12 of the POCSO Act.

No doubt, petitioner is not named in the first information
report but in course of investigation, statement of husband of the
informant was recorded and husband of the informant disclosed the
name of the petitioner.

Learned counsel for the petitioner submits that except
confessional statement of husband of the informant, there is nothing
against the petitioner and moreover, petitioner has not been put on test
identification parade.

Considering the aforesaid submissions as well as facts and
circumstances of the case, particularly, taking note of this fact that it is
a serious gang rape case in which informant and her daughter were



raped, I am not inclined to release the petitioner on bail and hence, his prayer for bail in connection with Banka Mahila P.S. Case no. 53/2015 pending in the court of Addl. Sessions Judge I, Banka stands rejected.

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(Hemant Kumar Srivastava,J)

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