

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53477 of 2015

Arising Out of PS.Case No. -161 Year- 2015 Thana -KHARIK District- BHAGALPUR

Nilesh Kumar Jha Son of Ganesh Jha, Resident of village- Bishpuria, P.S.-
Kharik, District- Bhagalpur

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Jha, Advocate
For the Opposite Party : Mr. Gajendra Pd. Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-02-2016 Heard learned counsel for the petitioner, learned counsel
for the Informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection
with Kharik P.S. Case No. 161 of 2015 pending in the Court of
SDJM, Naugachia, District-Bhagalpur for the offences instituted
under Section 302 of the Indian Penal Code.

As per the FIR, the allegation is that on the pretext of
feast the accused persons called the wife of the informant and
committed gang rape and with intent to kill her brutally assaulted,
who died during treatment.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. In fact, the deceased is
said to have died in an accident. A number of witnesses in course

of investigation have not supported the prosecution case.

On behalf of the State and the Informant, it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioner on anticipatory bail, the same is rejected.

Anyhow, if the petitioner surrenders in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order taking into account the submissions made on behalf of the petitioner.

(Sudhir Singh, J)

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