

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51713 of 2015

Arising Out of PS.Case No. -24 Year- 2015 Thana -MAHILA P.S. District- PATNA

Manoj Kumar, S/o Sri Yadu Singh, resident of village- Sithoura, P.S.-
Rajgir, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Ram Shankar Das (Spl.P.P.)

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

ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioner and learned
Special P.P. representing the State.

The petitioner seeks bail in Mahila P.S. Case No. 24 of
2015 registered for the offences punishable under Section 376 (2G), 34
of the Indian Penal Code, Section 3(2)(V) of SC/ST Act and Section
4/6 of POCSO Act, 2012.

Allegedly, gang rape was committed with the informant,
when she fled away from her house and the person who brought her in
the room and committed rape, has described his name as Lalan Singh.
During investigation on the basis of mobile number, co-accused Umesh
Singh was apprehended, who confessing his guilt stated the name of the
petitioner also that at the brick-kiln of the petitioner in a room, rape was
committed.

Submission is of false implication and that the petitioner is

in custody since 02.07.2015, he has not been put up on T.I.P. The statement of the informant has been recorded under Section 164 of Cr.P.C. but she has not named the petitioner. The confessional statement of co-accused and petitioner have got no evidenciary value in the eye of law.

The learned Special P.P. opposes the prayer of bail by submitting that minor girl was subjected to gang rape.

In the facts and circumstances stated above considering that the victim/informant has identified the room situated at the brick-kiln of the petitioner, where gang rape was committed with her and further considering the confessional statement of co-accused and the petitioner, at present this court is not inclined to enlarge the petitioner on bail and accordingly, such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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