

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20344 of 2016

Arising Out of PS.Case No. -32 Year- 2014 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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Kapil Rajbanshi, Son of Late Prakash Rajbanshi, Resident of Village-Dhamar, Police Station - Rajgir, District - Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Deo Raj Kumar Prasad, Advocate.

For the Opposite Party/s : Mr. Ram Chandra Sahni, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-10-2016

Heard both sides.

The petitioner seeks bail in Rajgir P.S. Case No. 32 of 2014 registered under Sections 363/366(A) of the Indian Penal Code.

The prayer for bail of the petitioner was earlier rejected vide order dated 12.02.2015 passed by this Court in Cr. Misc. No. 42202/2014 with a direction to the petitioner to renew his prayer for bail after nine months. Thereafter, the petitioner filed a petition for grant of provisional bail which was rejected vide order dated 13.05.2015 passed in Cr. Misc. No. 21002/2015. A report was called for from the trial court. The 1st Additional Sessions Judge-cum-Special Judge, Nalanda has reported that the prosecution evidence has already been closed. Statement of the accused was also recorded and the case is pending for the defence

witness but the defence has not produced any witness.

The learned counsel for the petitioner submits that the petitioner is in jail and, therefore, he is not in a position to produce any witness.

Considering the facts that the prosecution has closed its case and the case is pending for the defence evidence and the allegation that the petitioner committed rape with the victim, I am not inclined to enlarge the petitioner on bail in Rajgir P.S. Case No. 32 of 2014. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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