

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49272 of 2015

Arising Out of PS.Case No. -239 Year- 2014 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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Sumit Kumar Son of Shri Ratan Prasad Resident of Village- Bhelwa, P.S.
Madhuban, District East Chamaparan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Anil Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 02-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Madhuban
P.S. Case No. 239 of 2014 registered for the offences punishable
under Sections 363, 366(A) of the Indian Penal Code.

Allegedly, Kavita Kumari the minor daughter of the
informant was kidnapped by the petitioner and during
investigation, the victim girl was released and she gave her
statement under Section 164 Cr.P.C., wherein she has stated that
the petitioner and his three other friends committed sexual assault
with her one by one.

Submission is of false implication and that during
investigation, the tower location of the mobile of the petitioner

was not found in Patna whereas, the tower location of mobile of victim girl was in Patna and further it reveals that she has talked with her father also, the doctor has found her age above 19 years and further no sign of sexual assault was found and, as such, the petitioner who is suffering in custody since 04.08.2015, having no criminal antecedent, deserves sympathetic consideration.

Learned A.P.P. has opposes the prayer of bail by submitting that victim girl was gang raped.

In the facts and circumstances stated above, considering the statement of the victim recorded under Section 164 Cr.P.C. wherein serious allegation has been attributed against the petitioner and others, this Court is not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

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