

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8464 of 2016

Arising Out of PS.Case No. -306 Year- 2015 Thana -MASRAKH District- SARAN

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Nand Kishore Singh Son of Deepan Singh resident of village - Mashrakh
Purab Tola, P.S. Mashrakh, District - Saran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan (Spl. Pp)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR
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ORAL ORDER

3 08-04-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor.

Victim Priti Kumari aged about 13 years, a student of
Class VII during lunch period while she was in route to her house
on 16.10.2015 at about 12.30 p.m. caught by three persons namely
Nand Kishore Singh, Mukesh Kumar and Kush Kumar out of
whom, Mukesh Kumar caught her leg, Kush Kumar pressed her
mouth and Nand Kishore Singh committed rape.

Contention on behalf of the petitioner is that he has
falsely been implicated in this case. It has also been submitted that
petitioner has got no criminal antecedent.

It has further been submitted that during course of
investigation victim was examined by a medical board who had

not found sign of rape. Furthermore, age of the victim has been identified in between 16-17 years.

It has further been submitted that neither the victim during course of her statement under Section 164 Cr. P.C. (annexure-2) nor the witnesses during course of investigation including that of parents of victim though supported the factum of occurrence and also named the other two co-accused, did not name the petitioner as the person who committed rape. Therefore, absolutely there happens to be no evidence against the petitioner, so, petitioner being enlarged on bail.

Learned Additional Public Prosecutor opposes the prayer for bail of the petitioner.

Considering the status of the petitioner to be assailant of the victim who happens to be traceable from the earliest version, I do not see it a fit case for grant of bail.

Prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

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