

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16767 of 2016

Arising Out of PS.Case No. -560 Year- 2015 Thana -KADAMKUAN District- PATNA

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Rajeev Kumar @ Appu @ Rajeev Ghosh aged about 26 years, son late
Manoranjana Ghosh.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. Dr. Kr.Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 01-08-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
20.11.2015 in connection with Kadamkuan P.S. Case No. 560 of
2015 for the offences instituted under Sections 376(D) of the
Indian Penal Code.

The prosecution story, in brief, is that on 18.11.2015 at
1.00 P.M the petitioner had made call at 10 P.M. and said the
informant to come at N.I.T More from where he departed with her
by vehicle for Nala Road and told that he has booked hotel. But he
took her to Bapu Smarak School Nala Road where his friend
Baidyanath Kumar @ Lakhana was already present where they
forcibly committed rape with her.

It has been submitted on behalf of the petitioner that the

petitioner is in custody since 20.11.2015. Charge-sheet has been submitted in the present case. There is no criminal antecedent against the petitioner. There is no allegation of tempering of evidence against the petitioner. The petitioner has falsely been implicated in the present case due to previous enmity.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R. The victim has named the petitioner in her statement recorded under 164 Cr.P.C. The Medical evidence also supports the allegation. The bail application of the other co-accused has been rejected vide Cr. Misc. No. 11280 of 2016.

Considering aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Kadamkuan P.S. Case No. 560 of 2015 pending in the court of learned Judicial Magistrate 1st Class, Patna

(Sudhir Singh, J)

Prakash/-

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