

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25264 of 2017

Arising Out of PS.Case No. -164 Year- 2016 Thana -EKANGARSARAI District- NALANDA
(BIHARSHARIFF)

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1. NAWLESH KUMAR @ GHUTAR KUMAR Son of Mahesh Prasad R/o
village Shah Bagicha, P.S. Chiksaura, Dist. Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate

For the Opposite Party/s : Smt. Sucheta Yadav, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

8 07-09-2017 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

The petitioner is languishing in judicial custody since
23.01.2017 in connection with Ekangarsarai P. S. Case No. 164 of
2016 registered for the offence punishable under Sections
302/201/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that his
sister, Pinku Kumari aged about 13 years, has gone to her school
but did not return. He came to know that the petitioner along with
three other persons have enticed his sister. After two days her
dead body was found near Ekangar Sarai Railway Station and it is
alleged that the petitioner along with others named in the F.I.R.



has committed rape upon her and thrown her dead body.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the witnesses have supported that both the deceased and the petitioner have illicit relationship with each other although, the petitioner was alleged to be a married man. He submits that the informant in his re-statement has given his mobile number, which belonged to the petitioner but during investigation, it was found to be of one Shyamlal Mistry, a seventy years old person of Hilsa, who had lost his mobile in September, 2016 but did not lodge any Sanha and from the C.D.R., it was found that the informant had talked on the alleged date of occurrence from his mobile to the said Mobile number given in his re-statement for 144 seconds, as is evident from para-66 of the case diary, hence the mobile did not belong to the petitioner and he has been falsely implicated by the informant due to ulterior motive.

However, learned counsel for the informant opposes the prayer for bail stating therein that the petitioner along with his associates has killed the informant's sister and committed rape on her.

On earlier occasion a F.S.L. report was called for and



the report has been received from Forensic Science Laboratory, Bihar, Patna which indicates that no semen was detected in the medical report collected for examination.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Hilsa in connection with Ekangar Sarai P.S.Case No. 164 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner and the petitioner will appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

Let, the Viscera report be sent to the learned court below under sealed cover.

(Nilu Agrawal, J)

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