

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36858 of 2017

Arising Out of PS. Case No.-77 Year-2017 Thana- SURSAND District- Sitamarhi

Kishori Sah, Son of Late Dukhharan Sah, resident of Village - Bhawanipur,
P.S. Singhwara, District - Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar.
2. Chandni, Daughter of Late Bakrid, resident of Village - Bharwara, P.S. -
Singhwara, District - Darbhanga.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar Sinha, Sr. Adv. Mr. Rajnandan Kumar, Adv.
For the Opposite Party/s	:	Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 15-09-2017 Heard Sri Birendra Kumar Sinha, learned Senior Counsel,

assisted by Sri Rajnandan Kumar, learned counsel for the

petitioner and learned Addl. Public Prosecutor.

The sole petitioner, who is in custody only since
22.03.2017 in Sursand P.S. Case No.77 of 2017 registered for
the offence under Sections 363, 366, 376(D)/34 of the Indian
Penal Code, Sections 67(a), 67(b) of I.T.Act,2000 and Section
30(a) of the Bihar Prohibition and Excise Act,2016, has prayed
for grant of bail.

Learned senior counsel, while pressing the bail petition,
submits that of course, in the F.I.R., the informant has alleged
that the petitioner was one of the rapist, but after two days in her



statement recorded under Section 164 of the Code of Criminal Procedure, she did not name the petitioner. It has also been argued that though the informant has alleged that rape was committed on her , but no sign of rape was found and, as such, he is entitled for extending the privilege of bail.

However, considering the serious accusation in the F.I.R., which suggests that the victim was firstly kidnapped and, thereafter she was carried to Nepal and raped by two accused persons, I do not find any ground for extending the privilege of bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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