

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.60417 of 2017

Arising Out of PS.Case No. -131 Year- 2017 Thana -DIGHA District- PATNA

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1. Manoj Kumar aged about 23 Years S/o Ravindra Pandit , R/o Ramjichak
Brahamsthan Gali, P.S.- Digha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mithlesh Kumar Gupta, Adv

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 18-01-2018 Heard learned counsel for the petitioner as well as

learned APP.

Petitioner, who was known to the victim/informant

since before, accompanied her to Danapur and from there, she was

taken over a motorcycle of one Sonu Kumar to a place where the

victim/minor was raped by both of them.

It has been submitted on behalf of the petitioner that

there happens to be inordinate delay in launching of the

prosecution case. Furthermore, it has also been submitted that her

statement could not be relied upon in the background of the fact

that at initial stage, she had put allegations against two persons

while during course of statement under Section 164 CrPC, she had

shown presence of four persons who had committed rape upon

her. Furthermore, it has also been submitted that medical report



did not justify the allegation. Also submitted that charge-sheet had already been submitted. That being so, petitioner be released on bail.

Learned APP opposed the prayer and submitted that a minor was taken away in a deceitful manner by the petitioner in the background of intimacy since before being neighbour whereupon subjected to gang rape. Because of the fact that victim was examined by the doctor after more than a month, on account thereof, the medical report was natural one.

Considering the allegation, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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