

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23580 of 2018

Arising Out of PS. Case No.-291 Year-2017 Thana- RAJIVNAGAR District- Patna

Roshan Kumar Son of Sri Bijendra Kumar Resident of Village - Rajiv Nagar
Road No. - 18, near Kamla Niwas Chowk, Police Station - Rajeev Nagar,
District - Patna (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Opposite Party/s : Mr. Sri Manoj Kumar - 1

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 18-07-2018 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner, already in custody, seeks bail in connection
with Rajeev Nagar P.S. Case No.291 of 2017, registered under
Section 376(D) of the Indian Penal Code as well as under
Section 4 of the POCSO Act.

Allegation in brief is that the prosecutrix was kidnapped in
the evening hours forcibly by the accused persons and brought
to a factory where the petitioner was also present and she was
gang raped and the act was videographed also and on the next
day, she was thrown by the road side from the vehicle.

Learned counsel for the petitioner submits that petitioner
has no role in kidnapping the girl, in her statement recorded



under Section 164 Cr.P.C., though she states about the presence of the petitioner but has stated that the petitioner has not raped her; whereas the learned counsel appearing on behalf of the State submits that there is accusation against everyone in the FIR that all including the petitioner raped the prosecutrix and his presence is also there at the place where she was confined and gang raped.

Having considered the nature of the offence and participation of the petitioner, the Court is not persuaded to grant bail to the petitioner at this stage.

Accordingly, the prayer of bail of the petitioner is rejected.

(Arun Kumar, J)

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