

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57795 of 2018

Arising Out of PS.Case No. -58 Year- 2018 Thana -MAHILA P.S. District- PATNA

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Ritesh Kumar Son of Arjun Singh, resident of Village- Rampur, P.S.-
Suryagarha, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate.

For the Opposite Party/s : Mr. Braj Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 05-10-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Mahila P.S. Case No. 58
of 2018 instituted for the offence under Sections 376D and
379/34 of the Indian Penal Code.

In the written report it is alleged that informant became
friend of the petitioner on Facebook. On 29.5.2018 she came at
Patna from Muzaffarpur to meet the petitioner but she could not
return to Muzaffarpur due to missing of bus. It is further alleged
that petitioner started searching accommodation to stay in Patna
at night but he failed to do so. Thereafter, the petitioner talked
with his friend Priyanshu for accommodation in Patna. He called
them at his lodge. Petitioner and informant went there where
birth-day party of Priyanshu was going on. It is alleged that



Priyanshu gave one room to the informant. The accused persons confined petitioner in another room and took away Rs.5,000/- from him. Thereafter, Priyanshu, Aman, Manish, Aayush and Saurabh forcibly committed rape with the informant. At about 3:00 a.m. in the morning accused persons went away. Thereafter, petitioner brought the informant to Muzaffarpur. The accused persons snatched Mobile phone, ATM Card of the informant as well as Ritesh.

The occurrence took place on 29.05.2018 and First Information Report has been lodged on 01.06.2018 i.e. after lapse of three days since it was decided that First Information Report will be lodged in a cool mind. Thereafter, petitioner called the informant at Patna and told the informant to file the case. She has lodged First Information Report on encouragement by the petitioner. The petitioner helped her in lodging the First Information Report.

Counsel for the petitioner submits that victim girl has given statement under Section 164 Cr. P.C. wherein she has not levelled any allegation of specific overt act against the petitioner. She has stated in her statement recorded under Section 164 Cr. P.C. that she knew Ritesh for last one month. Counsel for the petitioner further submits that police forcibly took signature of



the petitioner on blank paper and converted the same in confessional statement. Petitioner is in custody since 01.06.2018.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Priya Shekhar, learned Judicial Magistrate, 1st Class, Patna, in connection with Mahila P.S. Case No. 58 of 2018, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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