

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2797 of 2019

Arising Out of PS. Case No.-79 Year-2017 Thana- SABAUR District- Bhagalpur

MD. DANISH Son of Md. Razi Resident of Village- Rajpur, P.S.- Sabour,
District- Bhagalpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dr. Manoj Kumar

For the Respondent/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 31-07-2019 Earlier the appeal of the appellant for grant of bail was dismissed vide order dated 09.10.2017 passed in Cr. Appeal (SJ). No. 2330 of 2017 and allegation against the appellant is of kidnapping the minor daughter of the informant and also of committing rape on her.

Submission of learned counsel for the appellant is that in the trial, father, mother and sister of the victim girl as well as the victim girl has been examined and they have not supported the case of prosecution. Learned counsel for the appellant has also annexed their deposition and the appellant has been in judicial custody for last more than two years.

Heard learned Special P.P. also.

Considering the facts and circumstances of the case, without going into the merit of the case, this appeal is disposed



of with direction to the appellant to file a petition before the learned Special Judge, for grant of bail, which will be considered by the learned Special Judge on the basis of materials available on record and also consider the fact the witnesses including the victim has been declared hostile and have not supported the case of prosecution and, thereafter, will passe an appropriate order, without being prejudiced by this order.

(Vinod Kumar Sinha, J)

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