

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56276 of 2019

Arising Out of PS. Case No.-232 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

SHASHI @ SHASHI KUMAR (Male), aged about 20 years, Son of Sanjay Singh @ Sanjay Kumar, Resident of Village - N.T.P.C. Colony, Nearby Nala, P.S.- Ram Krishna Nagar, Distt - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Dinesh Kumar, Advocate.
For the Opposite Party : Mr.Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-09-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since 30.03.2019 in a case for the offence registered under Section 376(g) of the IPC.

The prosecution story, in brief, is that on 29.03.2019 at about 7.00 to 8.00 P.M., in the evening, Mahi Kumari, the informant, got telephonic message on her Mobile No. 9625768982 from an unknown Mobile No. 6207476535 that one Raju introducing himself as friend of Rakesh Kumar boyfriend of the informant. On the said call, she went to D. Sector, Kankarbagh, Patna, where Raju was found from before with his *Bike*, from where Raju took the informant to the room



of Rakesh Kumar where the informant was subjected to rape by co-accused Rakesh, Raju and his two unknown friends, as a result of which, she became senseless. When she became conscious, she saw that one Shashi (petitioner) was also standing there. She has not narrated the matter to her parents or any person due to fear. On 30.03.2019, she narrated the matter to a new boyfriend, namely, Surya, accordingly, the present case was registered against the accused persons named in the F.I.R.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The victim has been examined under Section 164 Cr. P.C. where she has not named the petitioner. The petitioner has been made accused in the present case due to mistake of fact.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned A.C.J.M.-
cum-Sub-Judge-XIII, Patna, in connection with Ram Krishna
Nagar P.S. Case No. 232 of 2019.

(Sudhir Singh, J)

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