

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13771 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- NATHNAGAR District- Bhagalpur

NATWAR SAH Son of Late Pratap Sah Resident of Village - Naya Tola,
Mirjapur, P.S. - Nath Nagar, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr.Pramod Kr. Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-08-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of bail in Nath Nagar P.S. Case no. 190/2020 registered for the offence punishable under sections 399, 402, 370, 370A/34 of the Indian Penal Code, sections 25(i-b)a, 26, 35 of Arms Act, sections 5,6,7,8 of Immoral Traffic Prevention Act and section 4 of POCSO Act.

As per prosecution case, on 21.3.2020, while the informant was on patrolling duty with other police officials, he got a secret information that some accused persons have assembled along with a girl in the house of this petitioner. Thereafter, it is alleged that they reached near the house of the petitioner and found 2/3 persons standing near a Maruti Zen car and one girl was found on the back seat of the car and one person was found in compromising condition,



who disclosed his name as Natwar Sah (petitioner) and after search, arms were also recovered from his possession. Thereafter, on search of house of petitioner, co-accused Dhiraj Kumar and Golu Kumar were apprehended and on search, arms were recovered from their possession.

It is submitted on behalf of the petitioner that petitioner has been falsely implicated in this case by police as there is no single independent witness who has supported the prosecution case. It is further submitted that victim was a prostitute and used to live in station campus. No external or internal injury was found on the person of the victim. Medical report further opines that case of rape is doubtful. Petitioner is in custody since 22.03.2020.

However, learned counsel for the State opposed the prayer for bail and submitted that victim in her 164 statement named the petitioner as one of the persons who committed gang rape upon her.

Considering the rival submissions and materials on record, this bail application is rejected.

(Prabhat Kumar Singh, J)

s.hassan/-

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