

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57772 of 2021

Arising Out of PS. Case No.-61 Year-2021 Thana- MAHILA P.S. District- Patna

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NISHANT KUMAR @ NISHANT RAJ S/O RAM RANJAN @ RAM
RANJAN KUMAR R/o village- Vrindavan Colony Road No. 1E, Valmi, P.S.-
Phulwari Sharif, District- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kajal Kumari, age-18 years old, daughter of Arvind Singh, R/O Malli
Colony Ishapur, P.S.-Phulwari Sharif, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Usha Kumari 1
For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 23-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Phulwari Sharif Mahila P.S. Case 61/2021, registered for the
offence punishable under Sections 376 (D) of the Indian Penal
Code.

As per prosecution case, there is accusation against
the petitioner to commit rape upon the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 17.06.2021
and bears no criminal antecedent. Learned counsel for the



petitioner further submits that the petitioner was not present at the place of occurrence and the petitioner was dragged in the present case only because he was friend of co-accused, Rahul Kumar. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner to commit rape upon the victim and the same is corroborated by the statement of victim recorded under 164 Cr.P.C.

Considering the facts and circumstances of the case, there is specific allegation against the petitioner as well as material available on record, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

However, the trial court is directed to expedite the trial as early as possible.

(Alok Kumar Pandey, J)

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