

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41990 of 2023

Arising Out of PS. Case No.-295 Year-2009 Thana- SONEPUR District- Saran

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Amit Kumar @ Chhotu S/O Anant Ram R/O Village- T.N. Banerjee Ghat,
PMCH, P.S- Pirbahore, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Kamaluddin, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
25.02.2023 in connection with Sonepur P.S Case No. 295 of
2009, F.I.R. dated 19.11.2009 for the offences punishable under
Sections 376/34 of the Indian Penal Code.

4. According to prosecution case, this petitioner along
with other accused persons have committed gang rape of the
victim who is also the informant of this case.

5. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 161 and 164 of the Cr.P.C in which she has categorically stated that the petitioner and other accused persons have committed rape upon her one by one and threatens her not to inform to the police. He further submits that as per the statement of the victim recorded under Section 161 and 164 of the Cr.P.C that the accused persons have committed rape upon her in the side of the river *Ganga* and apart from the aforesaid, the petitioner was evading his arrest since 2009.

7. In view of the aforesaid facts that there is direct and specific allegation against the petitioner that he along with other accused persons have committed gang rape of the victim and the petitioner was evading his arrest since 2009 and he has surrendered recently on 25.02.2023, I am not inclined to enlarge the petitioner on bail in connection with Sonapur P.S Case No. 295 of 2009 pending in the court of learned Chief Judicial



Magistrate, Saran at Chapra.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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