

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39042 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

NITISH KUMAR Son of Pulkit Sharma Resident of Village- Rampur, PS-
Dholbajja, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 16-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 376(D), 354(D), 509, 120(B) of the Indian Penal Code and Section 66(E) of the I.T. Act.

It is a case of commission of rape with the victim/informant by the petitioner and other accused persons.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case due to village politics. There is no specific overt act of committing rape against the petitioner. The victim is a married lady and it was a consensual relationship as gets reflected in the F.I.R. The medical report also does not corroborate the case of



the prosecution. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated co-accuse namely, Devanand Kumar @ Divani Sharma has already been enlarged on bail by this Bench vide order dated 30.08.2023 passed in Cr. Misc. No. 39833 of 2023. The petitioner is languishing in custody since 10.12.2022.

The learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Naugachia, Bhagalpur in connection with Naugachia (Mahila) P.S. Case No. 34 of 2022.

(Sunil Kumar Panwar, J)

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