

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41444 of 2022

Arising Out of PS. Case No.-285 Year-2022 Thana- SHERGHATI District- Gaya

AKHILESH KUMAR S/o Shailendra Manjhi R/o village- Chitav Kala, Tola-
Neemhara, P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 11-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State, Shri
Rajendra Prasad Nath.

The petitioner seeks regular bail in connection with Sherghati P.S. Case No. 285 of 2022, registered for the offences punishable under Section 376 (D & B) of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

The case of the prosecution in brief according to the informant is that on 08.04.2022, the informant along with his wife and his minor daughter, who is the victim of this case and is



aged about 10 years, were sleeping on *verandah* and at about 2 am on 09.04.2022, the informant woke up and found that there was no electricity and his daughter was also missing. It is further alleged that after sometime, he saw that the victim girl was coming from the wheat field and she was crying and blood was oozing out of her vagina and upon being inquired, she disclosed that three persons had caught her, taken her to the field, tied her mouth and eyes and committed rape with her one by one.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 15.04.2022. The learned counsel for the petitioner has further submitted that the co-accused person, namely, Vinay Kumar has not disclosed, in his confessional statement, about the petitioner having accompanied him at the time rape was committed with the minor girl by the said Vinay



Kumar and one Deva Kumar.

Per contra, the learned APP for the State has referred to the materials available on record and has submitted that the present case is a case of gruesome rape committed by three accused persons including the petitioner herein, which is also apparent from the medical report, apart from the fact that the police had prepared a photograph identification memo, wherein, photographs of six persons were taken to the victim girl in the hospital and in the presence of Magistrate, police officials and other officials, videography was made and upon the victim girl being asked to point out the person who had raped her, she had put her thumb impression on three persons including the petitioner herein and had stated that they had committed rape with her, hence, it is submitted that the complicity of the petitioner in the alleged crime is writ large.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials on record as also considering the materials available in the case diary, this Court finds that that the complicity of the petitioner in commission of a heinous crime of brutal rape with a 7-8 years old minor girl, along with two co-accused persons, resulting in her sustaining grievous injuries on her private part, is writ large, hence I am not inclined to grant bail to the petitioner herein, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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