

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46416 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- BISHANPUR CHOWK District-
Darbhanga

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KUSH KUMAR KAMTI @ KARIA SAH @ KARIA S/O SHRI MUNNA
KAMTI Resident of village- Rampurdih, P.S.- Bishanpur, District-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Prachi Pallavi, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 31-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Bishanpur P.S. Case No. 18 of 2022
registered for the offence punishable under Section
376 of the Indian Penal Code.

The case of the prosecution, in brief,
according to the victim is that when she had gone
to attend the call of nature on 10.02.2022 in a field
adjacent to her house, the petitioner had arrived
there and had committed rape with her as also had
inserted his hands in her private parts. The
informant is stated to have been taken to a
Primary Health Centre from where she was sent to
Darbhanga Medical College & Hospital for
treatment.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 19.02.2022. The learned counsel for the petitioner has further submitted that the injury report of the victim does not show any injury either on her person or on her private parts, hence the entire allegation is false and fabricated.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail and has referred to the materials available in the case dairy as also has referred to the statement made by the victim girl under Section 164 Cr.P.C. to show that the victim girl has corroborated the incident of rape committed by the petitioner upon her. It is also submitted that the complicity of the petitioner is writ large from the records and the informant was treated at Darbhanga Medical College & Hospital for a long duration. It is next submitted that the occurrence had taken place on 10.02.2022, whereas the report prepared by the



doctor who had examined the petitioner subsequently, is dated 25.02.2022, therefore, after a lapse of such a long period, it is improbable that any spermatozoa would have been found or any sign of rape would have been detected.

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 available on record, this Court finds from the materials available in the case dairy as also from the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate that there are ample materials to *prima facie* show the complicity of the petitioner in the alleged heinous crime committed by him i.e. of having raped the victim girl, hence I do not find any merit in the present petition, accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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