

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63866 of 2023**

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

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KUSH KUMAR KAMTI @ KARIA SAH son of Shri Munna Kamti Village-
Rampurdih, Ps- Bishanpur Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prachi Pallavi

For the Opposite Party/s : Mr.Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 08-12-2023 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The present petition is by way of second attempt at the
behest of the petitioner for grant of regular bail in connection
with Bishanpur P.S.Case No. 18 of 2022 under Section 376 of
the Indian Penal Code, inasmuch as the earlier prayer of the
petitioner for grant of regular bail was rejected by this Court, by
an order dated 31.1.2023, passed in Criminal Miscellaneous No.
46416 of 2022.

3. 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.

4. The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 19.2.2022, hence, some sympathy be shown and the petitioner be granted the privilege of bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail and has submitted, by referring to the earlier order dated 31.1.2023 that this Court has succinctly examined the materials available in the case dairy as also the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate and the same 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, no sympathy should be shown to the petitioner.

6. 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 that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, hence, I do not find any merit in the present



petition, thus, the same stands dismissed.

(Mohit Kumar Shah, J)

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