

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62548 of 2022

Arising Out of PS. Case No.-524 Year-2021 Thana- JAKKANPUR District- Patna

1. GOPAL KUMAR GAURH @ GOPAL PRASAD GAURH SON OF LATE BHAGWAN PRASAD GAURH R/O KARVIGHIYA, P.S.- JAKKANPUR, DISTRICT- PATNA
2. ARUN KUMAR SON OF SHIV KUMAR YADAV @ SHIVJI YADAV R/O KARVIGHIYA, P.S.- JAKKANPUR, DISTRICT- PATNA
3. SUBHAM KUMAR @ GOLU SON OF RAJKUMAR YADAV R/O KARVIGHIYA, P.S.- JAKKANPUR, DISTRICT- PATNA
4. KISHAN PASWAN @ AMIT PASWAN @ LOFAR PASWAN SO OF RAMCHARITRA R/O GHAGHI, P.S.- NAANPUR, DISTRICT- SITAMARHI, AT PRESENT R/O IMAMGANJ, DISTRICT- ARWAL, TENANT OF ARVIND KUMAR, R/O RAMDAS PATH GALI, P.S.- JAKKANPUR, DISTRICT- PATNA ... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr.Satrudhan Kumar, Adv.
For the Opposite Party : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-03-2023 Heard learned counsel for the petitioners and the State.

The petitioners seek regular bail in connection with Jakkanpur P.S. Case No. 524 of 2021 lodged under Sections 363 and 365 of the Indian Penal Code, later on Section 376 of the Indian Penal Code has been added.

The first information report has been filed by one Chandan Kumar alleging missing of his wife, Priyanka Devi. The said Priyanka Devi was subsequently recovered and statement under Section 164 of the Criminal Procedure Code has categorically alleged the name of the petitioners that they have committed rape with her.

Counsel for the petitioners submits that it is absolutely false case. Counsel further submits that it is true that in the



statement under Section 164 of the Criminal Procedure Code their names have been disclosed, but, after framing of charge she has not stated anything against the petitioners. Counsel submits that there is one criminal case pending against the petitioner no. 1 and against three petitioners no criminal antecedent is there. The petitioners are in custody since 19.10.2021. Counsel for the petitioners submits that they are ready to fulfill all the conditions whatsoever shall be imposed by the Court.

Counsel for the State opposes the prayer for bail and submits that in her statement under Section 164 of the Criminal Procedure Code the names of the petitioners have been stated by the victim and it is matter of gang rape and allegation of gang rape is there.

In this view of the matter, this Court is not inclined to grant bail to the petitioners.

The prayer for bail is **rejected**.

The trial Court is directed to expedite the trial within six months from today.

(Dr. Anshuman, J)

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