

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63433 of 2023**

Arising Out of PS. Case No.-16 Year-2022 Thana- MAHILA P.S. District- Sheikhpura

CHANDAN KUMAR @ CHANDAN YADAV S/O BIRU YADV @ VIRU
YADAV R/O MOHALLA- BANGALIPAR, P.S- SHEIKHPURA AND
DISTT.- SHEIKHPURA, STATE- BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

**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 bail in connection with S.Tr.
No. 19 of 2023, arising out of Sheikhpura (Mahila) P.S.Case No.
16 of 2022, under Sections 376(D)/341/323/504/506/387/379/34
of the Indian Penal Code, inasmuch as the earlier prayer of the
petitioner for grant of bail was rejected by this Court, by an
order dated 20.1.2023, passed in Criminal Miscellaneous No.
59582 of 2022.

3. The case of the prosecution, in brief, according to the
informant, is that while she was going to the college to bring her
admit card on 13.12.2021 at about 6:00 A.M., the co-accused



including the petitioner herein had surrounded her, snatched her mobile phone and gold locket chain, pressed her mouth and carried her in the premises of the government school at Bangalipar, where they had committed rape upon her one by one as also had videographed the said offence and then they had left her on the spot and fled away while threatening that if she discloses about the said incident, her videoclips shall be made viral.

4. The learned counsel for the petitioner submits that the petitioner is languishing in custody since 26.4.2022, hence, a sympathetic view be taken 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 referred to the earlier order of this Court dated 20.1.2023 to submit that an elaborate order, discussing the materials available in the case diary as also the statement of the victim girl, recorded under Section 164 Cr.P.C. by the learned Magistrate, have been discussed from which it has transpired that the complicity of the petitioner in the alleged crime is writ large from the records and he is prima facie involved in committing gang rape of the victim girl along with other accused persons, thus, 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 as also considering the fact that the petitioner is involved in a heinous crime i.e. committing gang rape of the victim girl along with other accused persons, apart from the fact that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, I do not find any merit in the present petition, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

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