

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 67269 of 2023**

Arising Out of PS. Case No.-496 Year-2023 Thana- GAYA MUFASIL District- Gaya

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Kamlesh Kumar son of Kishori Ravidas @ Kishori Yadav village- Manpur
Gandhi Nagar Ps- Muffasil Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 496 of 2023 dated 02.05.2023, lodged
under Sections 341, 323, 354, 354(B), 506 and 34 of the I.P.C.
read with Section 27 of the Arms Act and Section 8 and 12 of
the POCSO Act.

3. As per the prosecution case, the petitioner and other
co-accused forcibly lifted the victim and took her to river side
to commit rape. On *hulla*, people gathered and the victim was
recovered.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner is in custody since 03.05.2023 having no
criminal antecedent. He further submits that the allegation

against the petitioner is of committing rape upon the victim and co-accused have been granted bail by the Co-ordinate Bench of this Court.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the petitioner is involved in the said crime.

6. Considering the fact that the petitioner is involved in lifting a girl and taking her for committing rape, who has been saved by local people, I am not inclined to grant bail to the petitioner, even if some co-accused have been granted bail by a Co-ordinate Bench of this Court and therefore, the present bail application is hereby rejected.

7. The Trial Court is directed to expedite the trial as early as possible.

8. The District Judge, Gaya is directed to look into the matter, so that the trial be disposed of at the earliest.

9. The S.S.P., Gaya will also take all steps for producing the witnesses at the earliest.

10. Let a copy of this order be communicated to the District Judge, Gaya and the S.S.P., Gaya through fax for its compliance.

(Sandeep Kumar, J.)

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