

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.451 of 2024

Arising Out of PS. Case No.-1031 Year-2022 Thana- BIHTA District- Patna

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AKASH KUMAR S/O SUDHIR KUMAR AARTI @ CHOTE LAL
VILLAGE- MACHALPUR LAI, PS. BIHTA, DIST. PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Akash Kumar Mishra, Advocate
For the State : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 376D, 379 and 34 of the
Indian Penal Code.

3. As per prosecution case, there is allegation of
commission of gang rape upon the informant by all the F.I.R.
named accused persons, along with two to three unknown
persons.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that the petitioner has falsely been
implicated in this case. It is next submitted that during course of
investigation, none of the witnesses have supported the
prosecution case. It is further submitted that the informant and



this petitioner are co-villagers and there is land dispute between their families and therefore, this false and concocted case has been lodged, with ulterior motive. It is further submitted that charge-sheet has already been submitted and the petitioner is in custody since 18.10.2022.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that the petitioner is named in the F.I.R. and the victim in her statement recorded under Section 164 Cr.P.C. has supported the prosecution case. It is further submitted that the petitioner has also got five criminal antecedents.

6. Considering the aforesaid facts and circumstances of the case and statement of the victim recorded under Section 164 Cr.P.C., prayer for grant of bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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