

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7227 of 2015

Arising Out of PS.Case No. -217 Year- 2014 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Sonu Kumar S/o Sri Ramakant Singh Resident of Village Bhagwanpur
Imoliya, P.S. Pipra, District East Champaran (Motihari).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Ram Chandra Sahni(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

5 30-09-2015 Heard both sides.

The petitioner seeks bail in Kalyanpur P.S. Case No. 217/2014, registered for the offences punishable under Sections 366, 364, 365, 372, 366(A), 363 and 34 of the Indian Penal Code. Later on Sections 376, 302 and 201 of the Indian penal Code were added.

The informant alleged that on 26.07.2014 his daughter Priyanka Kumar @ Shiva Kumari went to attend the call of nature behind the residential building but she did not return. During course of search, Rupesh Kumar, son on Nand Kishore Pandey disclosed that Sonu Kumar, the petitioner and his father Ramakant Singh and his brother Shinku Kumar were taking a girl on Scorpio vehicle.

It has come during course of investigation that one dead body was found in emergency ward of Sadar Hospital Muzaffarpur for that

Muzaffarpur Sadar P.S. Case No. 610/2014 was registered. The informant identified the dead body of the deceased as his daughter.

Learned counsel for the petitioner submits that the informant stated in his fardbeyan that his daughter was aged about 15 years but the age of the dead body of the deceased was assessed 22 years and she was married. It is a case of wrong identification. The victim is still traceless. The petitioner has falsely been implicated in the case on account of business rivalry.

But on perusal of the record it appears that Rupesh Kumar has very categorically stated that he saw the petitioner, his father and brother taking the victim Shiva Kumari on a Scorpio. One dead body was found on 01.08.2014 in Sadar Hospital, Muzaffarpur and on information the informant went there and identified the dead body of his daughter. The doctor has assessed the age of the deceased 22 years which may vary, as no proper assessment of age of the dead body was done. The age was roughly estimated.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner, above named, on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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