

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41006 of 2015

Arising Out of PS.Case No. -54 Year- 2014 Thana -BUNIADGANJ District- GAYA

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Jitendra Kumar @ Jitendra Kumar Choudhary, son of Arjun Choudhary,
resident of Manpur Pehani, P.S.- Buniyadganj, Distt- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari

For the Opposite Party : Mr. Amit Kr.Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-10-2015 Heard the counsel for the petitioner and counsel for the

State.

The petitioner is languishing in jail since 27.06.2014 in
a case instituted under Sections 302, 376 and 201 of the Indian
Penal Code and Sections 4/6 of POCSO Act in connection with
Buniyadganj P.S.Case No.54 of 2014 pending in the Court of
ADJ-I, Gaya-cum-Special Judge (POCSO ACT), Gaya.

As per allegation, there is a case of rape upon the
victim girl, namely, Anjali Kumar, who is aged about eleven years
and thereafter committed murder by the petitioner.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 27.06.2014. Petitioner has got no
criminal antecedent. Chargesheet has been submitted in the case.

There is no allegation of tampering of evidence against the petitioner. Petitioner has falsely been implicated in the present case due to mistake of fact. There is no eye witness to the occurrence nor there is any circumstantial evidence to suggest his implication in the present case.

On behalf of the State, it has been submitted that the petitioner had confessed his guilt regarding kidnapping of the minor girl and thereafter committing rape upon her. It has further been stated that after commission of rape, she was done to death. The dead body of the victim girl has been recovered on the confession of the petitioner.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the above named petitioner, same is dismissed.

(Sudhir Singh, J)

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