

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43730 of 2017**

Arising Out of PS.Case No. -128 Year- 2017 Thana -DHAMDHAHA District- PURNIA

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1. TALLU HEMBRAM @ TALU KUMAR HEMBRAM Son of  
Baidyanath Hembram @ Baijnath Hembram, Resident of Village- Sakhua  
Tola, Police Station- Dhamdaha in the district of Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      17-11-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in connection with Special  
(POCSO) Case No. 48 of 2017 arising out of Dhamdaha P.S. Case  
No. 128 of 2017 for offences punishable under Sections 302, 201,  
376 of the Indian Penal Code and Section 3 and 4 of POCSO Act.

The prosecution case, as lodged by the informant, is  
that his seven year old daughter had gone to attend Bhoj ceremony  
and come back home thereafter, the informant and his family  
members went to attend bhoj and come back home. In the  
morning, his daughter Bulbul Kumari was traceless and she was  
found dead near the Panchayat Bhawan after two days. It is



alleged that the petitioner, with whom there was previous enmity, who had a cycle repair shop, must have killed his daughter.

It has been submitted by the learned counsel for the petitioner that he is innocent and he is the next door neighbour of the informant. He submits that he bears no criminal antecedent and it is only on the basis of suspicion, he has been made accused.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl, aged seven year, was violently sexually assaulted and strangled. The petitioner was the neighbour and he always used to lure the daughter of the informant by offering chocolates, for which the informant always objected. On the date of occurrence also the mother of the deceased child had told the petitioner that her daughter Bulbul Kumari is alone in the house.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner, and accordingly his prayer for bail stands rejected in connection with Special (POCSO) Case No. 48 of 2017 arising out of Dhamdaha P.S. Case No. 128 of 2017 pending before learned Additional District Judge-1<sup>st</sup>, Purnea.



Application is accordingly rejected.

However, trial court is directed to expedite the trial and conclude the same as early as possible.

**(Nilu Agrawal, J)**

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