

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28535 of 2017

Arising Out of PS.Case No. -418 Year- 2013 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

=====

1. Ajay Kumar Son of Sri Sarju Prasad @ Surendra Prasad, Resident of
Village- Balbapar, Sipara, Police Station- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sri Navin Kumar Pandey, APP.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in
connection with Hilsa P.S. Case No. 418 of 2013, registered for
the offences punishable under Section 376, 302, 201/34 of the
Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that on
perusal of the First Information Report it would appear that an
apprehension was expressed by the informant on the basis of an
alleged threat given to him a few days before by the accused. The
girl had gone to cut grass and when she did not come back after
search and when no clue could be found, the F.I.R. was lodged in
which the petitioner was named on mere suspicion. Learned



counsel has vehemently relied upon the subsequent developments which have taken place in course of investigation. It appears that the informant as well as his wife got recorded their statements under Section 164 Cr.P.C. before the learned Judicial Magistrate at Hilsa on 29.5.2014, in which both of them have come out with specific statements that the co-villager Nagina Mahto had killed the girl and other accused namely Birbal Kumar, Raju and Satish Manjhi were involved in throwing away the dead body. Wife of the informant has stated in her statement under Section 164 Cr.P.C. that her daughter was taken away by Nagina and dead body was found on 28.9.2013. She has named Birbal Kumar, Raju and Satish Manjhi in addition to said Nagina. Learned counsel submits that all the cases is of the year 2013, however nothing substantial has come out against the petitioner in course of investigation and even the learned 1st Additional District and Sessions Judge, Hilsa while rejecting the prayer for regular bail of the petitioner has merely raised a doubt against him saying that the involvement of this petitioner can not be ruled out.

Learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances particularly the contents of the First Information Report are based on suspicion, the subsequent statement under Section 164 Cr.P.C.,



and then no direct evidence showing the involvement of the petitioner could be collected which appears from the observation of the learned Additional Sessions Judge also, let the petitioner Ajay Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2 Hilsa, in connection with Hilsa P.S. Case No. 418 of 2013, subject to condition, as laid down under Section 437(3) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

siddharth/-

U		T	
---	--	---	--

