

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46619 of 2018

Arising Out of PS.Case No. -43 Year- 2018 Thana -BELDAUR District- KHAGARIA

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1. Mintu Kumar @ Mintu Yadav Son of late Vindeshwari Yadav@ late Bindeshwari Yadav Resident of Village Pirnagara, P.S. Beldaur, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 17-09-2018 Heard the parties.

Petitioner seeks bail in POCSO Case No.08/18 arising out of Beldaur P.S.Case No.43 of 2018 registered for the offences under Sections 376, 302/34 of the I.P.C. and Section 34 of POCSO Act.

Allegation as per the F.I.R. is that the daughter of the informant in course of cutting grass became traceless from the filed and thereafter in course of search around the maize field four persons along with one horse were seen fleeing away from the maize field and on the next morning her dead body was found there.

Submission of the learned counsel for the petitioner is that the petitioner has been made accused in this case only on



suspicion and he disclosed that from earlier there is land dispute between the parties and for that he has been implicated in this case. No sign of rape was found and he is in custody since 21.3.2018.

Heard learned A.P.P. and the informant who opposed the prayer for bail of the petitioner stating that the medical report shows that vaginal swab examination shows no spermatozoa but learned Sessions Judge has written in his impugned order that blood was found in her private part and the accused persons were seen fleeing away from the place of occurrence prior to the recovery of the dead body.

Having heard both sides and in view of the nature of allegation, as stated above, and I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner is rejected.

Accordingly, this application is dismissed.

(Vinod Kumar Sinha, J)

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