

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31458 of 2018

Arising Out of PS.Case No. -312 Year- 2017 Thana -SABOUR District- BHAGALPUR

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Mirtunjay Kumar S/o Harihar Yadav @ Harihar Nath Yadav, R/o Vill.-
English, P.S.- Sabour, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 09-07-2018 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner is in custody in connection with Sabour
P.S.Case No.312 of 2017 pending in the Court of Ist Additional
Sessions Judge, Bhagalpur registered for an offence under
Sections 376(D) and 306/34 of the IPC and Sections 6 and 12 of
the POCSO Act.

It is alleged that this petitioner with help of co-accused
forcibly kidnapped the daughter of the informant and committed
rape and threatened her daughter not to disclose about the
occurrence to anybody otherwise the Video clips prepared by him
would be put on the net. The daughter of the informant disclosed
about the occurrence after her arrival. She was threatened on dire



consequences over mobile. Her daughter could not bear the said agony on account of social prestige and thereby committed suicide.

It has been submitted that there is no material on record showing complicity of the petitioner in kidnapping or commission of rape on the victim. The copy of suicidal note is against unknown person and so no offence under Section 376(D) or 306 of the IPC is made out against the petitioner who is in custody since 30.10.2017 having clean antecedent.

The learned APP opposed the submissions.

On perusal of FIR, I find that the petitioner is main accused. There is specific allegation that he kidnapped the daughter of the informant and forcibly took her to a room near Basant Bihar hotel and committed rape on her. This petitioner further prepared a Video clip with respect to occurrence of rape with the help of co-accused. The informant is mother of victim and in her re-statement and other witnesses during investigation have supported the allegation of kidnapping and rape. The witnesses have stated that a Panchayati was also convened. The victim could not bear with the agony suffered by her, committed suicide on the following day. The copy of suicidal note supports the commission of rape on her although she has not mentioned the



name of the accused.

Considering the aforesaid facts and circumstance, I am not inclined to grant bail to the petitioner. His bail prayer is rejected.

(Sanjay Kumar, J)

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