

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3183 of 2018

Arising Out of PS.Case No. -47 Year- 2018 Thana -HAYAGHAT District- DARBHANGA

- =====
1. Md. Mumtaz son of Late Md. Ibrahim resident of village - West Bilaspur,
Police Station - Hayaghat, District - Darbhanga.
 2. Md. Chand son of Md. Azmat @ Ajmat Kujra resident of village - West
Bilaspur, Police Station - Hayaghat, District - Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 25-10-2018

Heard learned counsel for the parties.

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 25.07.2018 in POCSO G.R. No. 17 of 2018 arising out of Hayaghat P.S. Case No. 47 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Darbhanga in connection with the aforesaid case registered under Sections 376, 511, 302, 201, 120(B) of the Indian Penal Code and Sections 6, 8, 18 of the Protection of Children from Sexual Offenses Act, 2012 as well as Section 3(i)(r)



(s)/3(2)(va) of the SC/ST Act.

According to FIR, 8 years old daughter of the informant had gone to market but she did not return. Thereafter, the informant started search out. She saw that behind her house, appellant no. 2 Md. Chand was fleeing speedily. On being asked whereabouts of Puja, he could not reply. Thereafter, the local people informed that Md. Chand had taken the victim to the part constructed house of appellant no. 1 Md. Mumtaz. When the informant reached there Md. Chand and Md. Mumtaz started fleeing from there then informant suspected that her daughter has been murdered after failure to commit rape against her by the appellants.

The Doctor has found a case of strangulation and no other injury including on the genital of the victim was found.

Submission of the learned counsel for the appellants is that investigation of the case is already complete. Only material against the appellants is suspicion. Appellants have got no criminal antecedent. They are in custody since 22.05.2018. Only material is that some witnesses claim to have seen the appellants fleeing from the place from where dead body was recovered.

Considering the nature of allegation and material available, I am not inclined to enlarge the appellants on bail for the present.



However, appellants may renew their prayer for bail after six months from the date of receipt/production of a copy of this order by the court below if the trial does not conclude within the aforesaid period.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	26.10.2018
Transmission Date	26.10.2018

