

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12064 of 2019

Arising Out of PS. Case No.-54 Year-2018 Thana- PANDARAK District- Patna

ARUN KUMAR YADAV Son of Late Nago Yadav R/o village- Manikpur,
P.S- Pandarak, District- Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Moleshwar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 17-06-2019 This application, for grant of anticipatory bail, arises out of Special Case No. 201 of 2018 (Pandarak P.S. Case No. 54/2018), disclosing offences under Sections 363, 302, 201, 376, 120(B)/34 of the Indian Penal Code and Section 6 of the POCSO Act.

Allegation as per F.I.R. is that daughter of the informant had gone to the house of her Nani along with her Mausī, namely, Parbati Devi and she was traceless from 14.05.2018. Petitioner is not named in the F.I.R., his name surfaced on the restatement of the informant and the father of the victim girl, which disclosed that the victim had gone with Parbati Devi and petitioner on 14.05.2018 and on 18.05.2019, her dead body was recovered and it is alleged that after committing rape on her, she was murdered and the dead body was thrown into the well.

Submission of learned counsel for the petitioner is



that he is not named in the F.I.R., his name has been dragged in this case only on the basis of suspicion and except that there is nothing against the petitioner to show his involvement in the offence.

Learned counsel for the State opposed the prayer for bail and submitted that witnesses have stated that petitioner and others had gone along with the deceased and, thereafter, the dead body was recovered from the well and the case is under section 302, 376 of the Indian Penal Code and under POCSO Act.

Having heard both sides, considering the facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner rather petitioner may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, if possible on same day, without being prejudiced by this order.

This application is, accordingly, dismissed

(Vinod Kumar Sinha, J)

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