

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.860 of 2019**

Arising Out of PS. Case No.-509 Year-2017 Thana- BIHPUR District- Bhagalpur

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Aman Kumar Jha, Son of Arun Jha @ Arun Kumar Jha Resident of Village-
Dayalpur, Police Station- Bihpur, District- Bhagalpur

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Hansraj
For the Respondent/s : Mr.Usha Kumari 1

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

6 26-07-2019 Heard learned counsel for the appellant and
learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the SC/ST Act against the refusal of prayer for bail vide order dated 09.01.2019 passed by learned 1st Addl. District and Sessions Judge cum Special Judge, POCSO Act, Bhagalpur in G.R. No.6411 of 2017, Bihpur (Jhandapur) P.S. Case No. 509 of 2017 registered under Sections 147, 148, 149, 561, 307, 302, 326, 376D, 506/34 and 120B of the Indian Penal Code, Sections 3(i) (ii)(va) of the SC/ST Act and Section 4 of the POCSO Act.

Some unknown miscreants are said to have committed murder of the parents of the informant and also brutally assaulted his brother namely Chhotu Kumar and sister namely Bindi Kumari @ Radha Kumari intruding into his house



in the night. Brother of the informant succumbed to his injury during the course of treatment.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to dirty village politics. He is not named in the F.I.R. There is no eye witness of the occurrence. Name of the appellant surfaced in the case in the statement of the injured Bindi Kumar @ Radha Kumari after one month of the occurrence which creates doubt about the complicity of the appellant in the occurrence. He has been languishing in custody since 06.09.2018. Hence he may be enlarged on bail.

On the other hand, learned Spl. PP for the State vehemently opposing the bail petition submitted that injured Bindi Kumari @ Radha Kumari in her statement recorded under Sections 161 and 164 Cr.P.C. has candidly stated that the appellant along with five other accused persons intruding into her house in the night committed murder of her parents and assaulted her and her brother. When she rushed to her parents, they also assaulted her and committed rape against her in turn. Accused persons penetrated knife in her ear and co-accused Kanhaiya assaulted on her head by means of spade. Number of



witnesses have stated about spotting the appellant along with other accused persons in the vicinity of the occurrence preceding to the occurrence. CDR report of the mobile of the appellant also indicates the presence of the appellant at the place of occurrence at the time of occurrence. Appellant has criminal antecedent and altogether five cases have been lodged against him under Sections 302, 392 and other allied sections of the IPC. Hence the appellant does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. Prayer for bail of the appellant is rejected.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of receipt/production of a copy of this order and S.P., Bhagalpur is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P., Bhagalpur by fax for needful.

(Prakash Chandra Jaiswal, J)

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