

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79930 of 2018

Arising Out of PS. Case No.-90 Year-2017 Thana- RAGHOPUR District- Vaishali

MITHLESH DAS @ MITHLESH KUMAR, son of Raj Kumar Das, resident of village- Fatehpur, Mangura Tola, Police Station- Raghopur, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 17-01-2019 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in **Raghopur P.S. Case No.90 of 2017** instituted for the offence under Section(s) 302, 376/34 Indian Penal Code and Sections 8, 12 of the POCSO Act.

Counsel for the petitioner submits that besides suspicion there is no allegation against the petitioner.

In the written report, it is alleged that petitioner along with other accused persons were roaming near the house of the informant and when the informant enquired, then they told that they would commit theft in her house and went away. It is further alleged that they were also seen roaming in the midnight near the house of the informant. The informant did not find her grand-daughter in the house in midnight. All the family



members started search. In the morning, they learnt that her dead body is lying in cornfield in naked condition. It is further alleged that she has been murdered after committing rape.

Counsel for the petitioner submits that petitioner is family members of the deceased. Co-accused, Lalan Das, is own cousin uncle of the deceased and informant is aunt of co-accused.

From the written report itself, it appears that besides suspicion there is no specific overt act against the petitioner. From the impugned order also, it appears that only suspicion has been raised against the petitioner in the case diary.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Additional District Judge 1st cum Special Judge, Hajipur**, in connection with **Raghopur P.S. Case No.90 of 2017**, subject to the condition that both the bailors shall be close relative of the petitioner.

J. Alam/-

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(Sanjay Priya, J)

