

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57346 of 2019

Arising Out of PS. Case No.-59 Year-2019 Thana- RAJPUR District- Rohtas

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1. PUJA DEVI Wife of Sushil Gupta, D/O - Umesh Sah Resident of Village - Rajpur, P.S.- Rajpur (Nasriganj), District- Rohtas
 2. Umesh Sah Son of Late Hira Sah Resident of Village - Rajpur, P.S.- Rajpur (Nasriganj), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-11-2019 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

The petitioners seek bail in a case instituted for the offences under Sections 302, 201 and 34 of the Indian Penal Code.

The prosecution case in short is that the accused persons killed the daughter of the informant and tried to dispose of her body.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 17.6.2019 and have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. Charge-sheet has been



submitted in the present case. The petitioners have falsely been implicated in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest his implication in the present case.

On behalf of the State and the informant, it is submitted father of the deceased is the informant of the case. The deceased is hardly 11 years old. Petitioner no. 1 is step mother of the deceased and petitioner no. 2 is the father of petitioner no. 1. The deceased was in custody of the petitioners where the death is said to have taken place. As per the post-mortem report, the deceased is said to have died due to strangulation. Further, it indicates that prior to her death, she was subjected to rape. Admittedly, the deceased was in the custody of the petitioners. As per Section 106 of the Evidence Act, the onus is upon the petitioners to explain the cause of death and commission of rape.

Considering the aforesaid, I am not inclined to grant bail to the petitioners in connection with Rajpur P.S. Case No. 59/2019. Prayer is rejected.

(Sudhir Singh, J)

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