

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.377 of 2020

Arising Out of PS. Case No.-234 Year-2019 Thana- MASAUDHI District- Patna

Ajay Prasad, aged about 35 years (Male), Son of Sukhlal Prasad Resident of
Village - Maya Bigha, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 19-03-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in connection with Special Case No. 55 of 2019 arising out of Masaurhi P.S. Case No. 234 of 2019 registered for offences under sections 147, 149, 448, 379, 341, 323, 376(D), 302 of the Indian Penal Code and Section 6 of the POCSO Act.

As per prosecution case, on 23.3.2019, when the Informant went to leave his nephew to Masaurhi, his brother informed him that some villagers have attacked in his house and looted the property. Thereafter, the Informant reached to his house and saw the articles of the house being scattered and his daughter was lying dead on the ground. An allegation has been made that the accused persons entered into the house of the



Informant, looted the property, raped her daughter, namely, Priti Kumari, video-graphed the same and killed her by pressing her neck.

From the Case Diary, it appears that the deceased girl had a love affair with one Amit Kewat. From the records, it appears that at 12 O'clock, Amit Kewat was going to Masaurhi Railway Station carrying Hasni @ Isha and Sonu on his motorcycle. On seeing the same, the villagers lost their temper and intercepted the motorcycle and carried Amit Kewat towards Maya Bigha village. When the villagers could know the same, they rushed to save him. In the meantime, an information was received that the victim girl, after closing the door of the room, has hanged herself through ceiling fan.

Learned counsel for the petitioner submits that the story of the First Information Report is nothing but, a concoction of the entire fact as the girl has committed suicide but, the same has been shown to be a color of murder after committing rape.

On perusal of different paragraphs of the case diary, it appears that the police after investigation has submitted the charge-sheet under Section 306/34 of the Indian Penal Code.

Looking to the facts and circumstances of the case, let



the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, POCSO, Patna in connection with Special Case No. 55 of 2019 arising out of Masaurhi P.S. Case No. 234 of 2019, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the petitioner will report to the Masaurhi police station by 7th of every month for at least six months and in case of failure without any valid rhyme or reason, the bail of the petitioner will be treated to have been canceled.

(Shivaji Pandey, J)

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