

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7088 of 2020

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

Raju Kumar @ Raju Prasad, Son of Judagi Prasad, Resident of Village - Maya
Bigha, P.S.- Masaurahi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh, Advocate
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 18-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Masaurhi P.S. Case No.234 of 2019 registered for the offence punishable 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 the prosecution case, the informant was intimated by his wife that altogether 15 persons, including the petitioner, entered into the house of the informant and indulged in looting of articles. Allegation has also been made that four out of 15 persons, including the petitioner, have committed rape upon the daughter of the informant and thereafter killed her.

It is submitted by the petitioner's counsel that the allegations have been levelled against 15 persons and the allegations are rather general in nature. There is some variance between the statement of the informant and that of his wife, on whose intimation, the First Information Report has been lodged. Reference is made to the case diary wherein in the inquest report, ligature mark upon the deceased's neck has been found as the cause of death due to asphyxia. Independent witnesses in the case diary have stated that the daughter of the informant was hanging from the roof of the room which was closed from inside. The medical report also does not show any sign of rape. It is submitted that on account of illicit relation with some boy of adjacent village, the victim was rather done to death by her own family members, or she has committed suicide. The petitioner has falsely been implicated. Considering these factors, co-accused Sujeet Prasad @ Sujeet Kumar and Ajeet Prasad @



Ajeet Kumar have been allowed anticipatory bail in Cr.Misc. No.51315 of 2019, on 16.11.2019. Petitioner's counsel also presses his case on the ground of parity.

Learned APP for the State has opposed the prayer for pre-arrest bail by submitting that there is allegation of committing rape and murder of the daughter of the informant.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the court of 1st Additional Sessions Judge-cum-Special Judge, POCSO, Patna, in connection with Masaurhi P.S. Case No.234 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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