

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7020 of 2020

Arising Out of PS. Case No.-723 Year-2019 Thana- MASAUDHI District- Patna

ANJANI KUMAR Son of Ramashish Sao @ Rama Shish Saw Resident of
Karariya, P.S. and P.O.- Masaurahi, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sayed Imran Ghani

For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-06-2020 The matter was heard at length on 29.05.2020 and has

been placed before this Court today under the heading 'For

Orders'.

The petitioner seeks regular bail in connection with
Masaurahi P.S. Case No. 723 of 2019, Special (POCSO) Case No.
194 of 2019 for the offence punishable under Sections 302 and
376(D) of the Indian Penal Code and Sections 3, 4, 6 and 12 of
the POCSO Act.

The case of the prosecution in brief is that on
09.10.2019, the informant's cousin brother, namely, Ritesh
Kumar had made a phone call to the informant that her
daughter aged about 14 years has been killed by unknown
person, after being raped. It has been further stated by the



informant that she had gone to her parental house on 05.10.2019 at village Gonba, P.S. Naubatpur leaving behind her daughter alone in the house and after getting the aforesaid information, she rushed back to her house and saw that the dead body of her daughter was lying in a half naked condition and her head had been brutally mutilated by brick and her dead body was lying in a pool of blood.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case, is innocent, is having a clean antecedent and is languishing in custody since 09.10.2019. It is further submitted that there is no material to connect the petitioner with the alleged crime.

Per contra, the learned A.P.P. for the State and the learned counsel appearing for the informant have vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused the materials on record and gone through the case diary.

A bare perusal of the case diary would show that upon investigation the Police had found that an unknown accused person, after committing the crime in the courtyard of the deceased victim girl had climbed the ladder present in the



courtyard and thereafter had climbed down from the ladder present towards the house of the petitioner herein and on the said basis, the petitioner was arrested and it was found that injury was present on his head, there were sign of scratches on both the ears, on the neck and there was cut mark on the finger of the right hand and upon the petitioner being asked by the Police about the same, he could not give any satisfactory reply. The Police had then interrogated the petitioner and the petitioner had accepted his crime by disclosing that after the mother of the deceased victim girl had gone to her parental house and the said girl was alone in the house, he had gone to the house of the deceased victim girl by means of the ladder and had then entered the room where the deceased victim girl was sleeping and had tried to rape her but in the process, scuffle ensued and when the petitioner tried to flee away, after becoming scared on account of the resistance by the deceased victim girl and her raising alarm, the deceased victim girl is stated to have caught him from behind resulting in both of them falling on the ground whereafter the petitioner is stated to have in a fit of anger hit on the face and head of the deceased victim girl by a brick resulting in her falling down and



thereafter, she became still. In the aforesaid scuffle, the petitioner is stated to have received injuries whereafter he climbed the ladder present in the house of the deceased victim girl and came to his house and washed his blood stained clothes. This Court further finds that various articles and samples have been sent to the Forensic Science Laboratory, Patna. This Court has also perused the postmortem report wherein, though there is no evidence of rape, however, cause of death has been stated to be *Craniocerebral* damage from head injury and its complication caused by blunt forced impact. The postmortem findings show several marks of violent injuries over head, face, neck, chin, both lips and over arm and hand as also there is mark of struggle. It is also apparent from the record that one F.S.L. report dated 05.12.2019 has been received but the F.S.L. report regarding swab taken from ladder found standing in west side of the house of the deceased, from the cut of the ladder containing suspected blood stain, from the piece of brick containing suspected blood stain, apart from the swab taken from the floor of the room etc. have though been sent to the F.S.L. for examination, however, the report is yet to come. The Police has also filed a charge sheet dated 09.10.2019 under Sections 376D and 302 of the Indian



Penal Code and Sections 3, 4, 6 and 12 of the POCSO Act, finding the case to be prima facie true as against the petitioner herein.

Having regard to the facts and circumstances of the case and considering the materials available on record, I am not inclined to grant the privilege of bail at the moment to the petitioner herein in view of the petitioner having been alleged to have committed a heinous crime, as aforesaid. Thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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