

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67340 of 2019

Arising Out of PS. Case No.-371 Year-2019 Thana- MADHEPURA District- Madhepura

Pankaj Kumar Singh, aged 30 years, Gender-Male, Son of Yogendra Prasad Singh Resident of Laxminiya, Police Station- Gamharia, District- Madhepura.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Durga Devi, aged about 35 years, Female, Wife of Raj Kumar Singh Resident of Jalsiya, Ward No.3, Police Station- Sonbarsa, District- Saharsa.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 27-05-2020 Heard learned counsel for the petitioner and learned counsel for the State as also counsel for the Informant through virtual court proceeding.

In this case, the petitioner is seeking bail in connection with Madhepura P.S. Case No. 371 of 2019 registered for offences under sections 302, 201, 376, 120B of the Indian Penal Code and Section 04 of the POCSO Act.

From the records, it appears that before lodging the complaint case, a UD case was filed by the father of the victim girl in which he has stated that his daughter had gone to the house of the present petitioner in connection with looking after his wife who was operated upon. It has been stated in the UD application that she had given a call that she wanted to return to her house. The wife and the husband were not in the house and assured that



they will go to her in one or two days. On the next day, it was informed by the present petitioner that the victim girl has committed suicide but, later on, a complaint case has been filed by the mother of the girl in which details has been given making an allegation of committing murder of a minor girl including ravaging her modesty.

From the postmortem report, it appears that it is a case of murder as the doctor has informed the circular ligature mark but, with respect to commission of rape, the forensic report dated 19.9.2019 shows that the spermatozoa was not found in the swab. It appears prima facie from the report that the girl has been put to death and there is no material to given an inference of commission of rape.

Learned counsel for the petitioner submits that he is in jail since 24.7.2019.

Looking to the nature of allegation as also considering the entire facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner, above named, is rejected for the present.

(Shivaji Pandey, J)

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