

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8374 of 2020

Arising Out of PS. Case No.-26 Year-2019 Thana- MAHILA P.S. District- Nalanda

SUBODH KUMAR PANDEY Son of Late Chandra Bhushan pandey
Resident of Mohalla Neemganj Near Sulaganj, Police Station - Bihar, Distt.
Nalanda. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 15-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Mahila P.S. Case no. 26 of 2019 registered under sections 307, 366A and 376AB of the Indian Penal Code and section 6 of the POCSO Act.

As per allegation in the FIR, the five and half years old minor daughter of the informant did not return from her school and subsequently the informant discovered her in injured condition. It transpired that rape had been committed on the minor daughter of the informant and also an attempt was made to kill her. She was taken to the hospital and thereafter to the PMCH, Patna for better treatment.

It is submitted by learned counsel for the petitioner that the FIR was registered against unknown and the petitioner has been falsely implicated in the case only on the basis of suspicion having been raised to the effect that the person shown



in the CCTV footage, accompanying the daughter of the informant, is similar to the petitioner. The petitioner has not been named in the statement recorded under section 164 of the Cr.P.C by the victim. The petitioner himself has been under psychiatric treatment, which is evident from the prescription which is Annexure-2 to the petition. The petitioner has no criminal antecedent and is in custody since 11.3.2019.

The application for bail is opposed by learned APP for the State, who submits that in course of investigation, the person who is seen in the CCTV footage accompanying/taking the five and half year old minor daughter of the informant, has been identified by the mother of the informant as being the petitioner herein.

Having heard learned counsel for the parties and taking into consideration the materials on record including the fact which has transpired in course of investigation and the submission made on behalf of the learned APP for the State, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.

The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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