

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38350 of 2021**

Arising Out of PS. Case No.-21 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

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Ajay Sah S/O Late Ramdeo Sah R/o village- Kundwa Chainpur, P.S.-
Kundwa Chainpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4. 16-11-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Kundwa Chainpur P.S.
Case No. 21 of 2021, registered for the offence under Sections
149, 342, 450, 376-B, 376-D, 302, 201/120-B of the Indian
Penal Code and Section 4 / 5 of the POCSO Act.

As per F.I.R., other co-accused persons namely Vinay
Sah, Dipak Kumar, Devendra Kumar Sah and Ramesh Sah
committed rape and killed the daughter of the informant and so
far as this petitioner is concerned, he alongwith other FIR
named accused persons have forcibly disposed of the dead-body
of daughter of informant to disappear evidence.

It is submitted on behalf of petitioner that at best, the
case of the petitioner falls within the ambit of Section 201 of the



Indian Penal Code. It is further submitted that there is no eye-witness to the alleged occurrence. F.I.R. has been lodged after lapse of 12 days of the occurrence without there being any plausible explanation of delay. From perusal of F.I.R., it is apparent that there is no allegation of either committing rape or killing the deceased against this petitioner. Petitioner is in custody since 20.02.2021. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner 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 Chief Judicial Magistrate – V, Sikrahna, Dhaka, East Champaran in connection with Kundwa Chainpur P.S. Case No. 21 of 2021.

(Prabhat Kumar Singh, J.)

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