

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4277 of 2021

Arising Out of PS. Case No.-353 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

BADAL KUMAR Son of Shri Shambhu Sharan Gupta Resident of Village-
Goriyara Mansoorpur Chamarua, P.S.- Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-06-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Bochahan P.S. Case No.
353 of 2019, registered for the offence punishable under
Sections 376G, 302/34 of the Indian Penal Code and section 4/6
of the POCSO Act.

As per the prosecution case, this petitioner used to
talk with the minor daughter of informant on mobile since last
six months. On 18.10.2019 at 8.00 pm, this petitioner took the
daughter of informant to *Chour* of Chaknuran. It is further
alleged that petitioner along with his friends committed gang



rape with the victim girl and brutally murdered her.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case merely on suspicion. There is no eye-witness of the occurrence. Nobody has seen this petitioner taking away the deceased. The house of deceased is situated in village Dahivan Mohanpur, PS – Bochahan and house of this petitioner is situated in village Goriyara Mansoorpur, Chamarua, PS-Karja and there is distance of 35 Km between the villages. Petitioner is in custody since 21.10.2019 having no criminal antecedent as stated in para 3 of the petition.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is direct and specific allegation against this petitioner of committing gang rape murder of the deceased.

Considering the facts aforesaid and the heinous crime, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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