

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35690 of 2020

Arising Out of PS. Case No.-237 Year-2019 Thana- MAHUA District- Vaishali

RANJAN KUMAR Son of Raj Kumar Ram Resident of Village - Fatehpur
Chauthai, P.S.- Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Adv.
For the State	:	Mr. Arun Kumar Pandey, APP
For the Informant	:	Mr. Abhay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-01-2021 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has filed the instant application for grant of regular bail in connection with Mahua P.S. Case No. 237 of 2019 registered under sections 302 and 34 of the Indian Penal Code and sections 4 and 8 of the POCSO Act.

As per allegation in the FIR, the dead body of the minor daughter of the informant was found hidden in the house of the petitioner.

It is submitted by learned counsel for the petitioner that the allegations as narrated in the FIR are false and incorrect. The deceased happens to be the cousin sister-in-law (*mameri nanad*) of the sister of the petitioner, who was having a one



sided affair with the petitioner. The petitioner is already married and it is as a result of the same that she consumed poison on her own. It is finally submitted that co-accused Raj Kumar Ram has been enlarged on bail vide order dated 19.3.2020 (Annexure-3) passed in Cr. Misc. No. 79004 of 2019. The petitioner herein happens to be the son of Raj Kumar Ram. It is submitted that no injury whatsoever was found on the body of the deceased in the postmortem report. The petitioner is in custody since 18.9.2019 and he shall cooperate in the trial. He has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the dead body of the minor daughter of the informant was found hidden in the house of the petitioner. The trial in the case has already proceeded and six prosecution witnesses have been examined. Besides the I.O., who is expected to be examined on 29.1.2021, three prosecution witnesses namely, Mahendra Ram, Vijay Ram and Rajeshwar Ram remain to be examined. It is submitted that the prosecution will examine the witnesses within the time fixed by this Court.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case



including the fact that the trial in the case has already proceeded, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.

However, in the facts and circumstances, it is directed that in case the investigating officer of the case is not examined on the next date which as per the informant is 29.1.2021, the Superintendent of Police, Vaishali shall ensure presence of the I.O. of the case on the following date.

It is further directed that the three non-official witnesses named above on behalf of the prosecution shall be examined by the prosecution in the Court below at the earliest and the trial be concluded within three months.

(Partha Sarthy, J)

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