

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37369 of 2020

Arising Out of PS. Case No.-114 Year-2020 Thana- ASHOK PAPER MILL District-
Darbhanga

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Poonam Devi, Wife of Shri Arjun Mishra, Resident of Village - Pator, P.S. -
Pator O.P. (A.P.M.), District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kr. Thakur, Adv.
	:	Mr.Nilesh Kumar, Adv.
	:	Mr.Shivam, Adv.
For the Opposite Party/s :		Md.Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 02-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 201, 376/34 of the
Indian Penal Code, Sections 4/8 of the POCSO Act and Sections
3 (1) (r) (s) and 3 (2) (v) of the SC/ST Act.

Prosecution case in brief is that as per FIR, it is
alleged that on 01.07.2020 when the informant was sleeping, his
wife informed him that her daughter did not return from tuition.



The informant visited house of Arjun Mishra and inquired about her daughter, at this Arjun Mishra got angry and abused the informant. The informant searched her daughter behind the house of Arjun Mishra and he found that her daughter's dead body was lying in the field of ladyfinger and her body was covered with the leaves and saw injuries over her body.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no specific allegation against the petitioner. Perused the impugned order and case diary, it appears that after recovery of the dead body found in the agricultural field of Arjun Mishra, the informant has allegedly developed the present prosecution case on the basis of vague suspicion. He further submits that the deceased has died as a result of electrocution. The said fact is also corroborated by the post mortem report of the deceased girl in which the doctor conducting the postmortem has opined that death was due to asphyxia and ventricular fibrillation as a result of passing electric current through the body. From perusal of the impugned order the petitioner Poonam Kumari and her husband have installed electric wire surroundings the field and used to release electricity into that wires. The allegation of killing the deceased



by pressing the neck is out and out false. As per postmortem report, there is no any sign of sexual assault. The petitioner is languishing in judicial custody since 08.07.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Pator O.P. (A.P.M.) P.S. Case No. 114/2020 to the satisfaction of the learned Special Judge (POCSO Act), Darbhanga.

(Anjani Kumar Sharan, J)

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