

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36854 of 2020

Arising Out of PS. Case No.-55 Year-2020 Thana- PUNAURA District- Sitamarhi

Manoj Kumar @ Saroj Kumar S/o Upendra Rai @ Vikindra Rai Resident of
Village- Ramnagar, P.S.- Suppi, Distt- Sitamarahi, at present resident of
Village- Ranjitpur, West, Ward No.2, P.S.- Punaura, Distt- Sitamarhi, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 15-03-2021 The learned counsel for the parties were heard at
length on 12.03.2021 and the instant case has been listed today
(15.03.2021) under the heading “For Orders”.

The petitioner seeks regular bail in connection
with Punaura P.S. Case No. 55 of 2020 for the offence
punishable under Sections 363, 365, 376, 302, 34 of the Indian
Penal Code and Section 4/6 of the Protection of Children from
Sexual offences Act, 2012.

The case of the prosecution in brief is that the
accused persons, some known and some unknown, had arrived
at the house of the informant in the night at about 1:00 AM on
the alleged date of occurrence and had kidnapped the daughter
of the informant namely Sanjana Kumari, where-after the



informant and his family members had searched for her in the night, however, in the morning at about 5:00 AM it transpired that the daughter of the informant has been killed and when the informant along with others reached at the place of occurrence, it was found that vermilion had been applied in the middle of the forehead of the daughter of the informant and her dead body was hanging from a tree by means of her scarf.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 16.04.2020. The learned counsel for the petitioner has further submitted that barring the confessional statement of the petitioner, there is no material on record to suggest the complicity of the petitioner in the alleged crime.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail made by the petitioner and has submitted that the materials available in the case diary shows that there are ample materials on record to suggest the complicity of the petitioner in the alleged crime and, in fact, it appears that the petitioner had put vermilion on the forehead of the victim girl, had raped her and thereafter, the



family members of the petitioner had arrived and all of them had then killed the victim girl by hanging her on the tree by her scarf. The learned APP for the State has also submitted that the CDR report of the mobile phone in question also suggests the complicity of the petitioner in the alleged occurrence.

Having considered the submissions made by the learned counsel for the parties and having considered the materials available on record as also those available in the case diary, this Court finds that ample materials are available on record of the case to prima facie make out a case against the petitioner for the offences alleged and the complicity of the petitioner in the alleged crime is writ large from the records, which also stands supported by the medical report/ post mortem report of the victim girl, hence, I do not find any merit in the present petition. Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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