

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28565 of 2021

Arising Out of PS. Case No.-187 Year-2020 Thana- TURKAULIYA District- East
Champaran

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MANISH SINGH Son of Kaushal Kishore Singh @ Kaushal Singh Resident
of Village - Gamharia, P.S. Banjaria, District - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 16.01.2021,
seeks regular bail in connection with Turkaulia (Banjaria) P.S.
Case No. 187 of 2020 for the offence punishable under Sections
364, 366A and 302/34 of the Indian Penal Code and Sections
4/6 of the POCSO Act.

The prosecution case, in brief, is that 14 years old
daughter of the informant was kidnapped on 04.10.2019 and she



could not be traced. No case was reported to the police regarding the kidnapping. However on 20.03.2020, the informant came to know that his daughter has been kept at the house of co-accused Kaushal Singh, the father of the petitioner and the brother of said Kaushal Singh told the informant that his daughter was married with the son of Kaushal Singh, namely, Manish Singh and they had conceived a baby out of the said wedlock. On 21.03.2020, the informant came to know that his minor daughter has been murdered.

Learned counsel appearing on behalf of the petitioner submits that this is not a case of kidnapping neither a case that the deceased was a minor as it would be evident from the post mortem report that the age of the deceased was 19 years. He further submits that no information was given to the police about kidnapping of the daughter by the informant on 04.10.2019 against the accused persons including the petitioner which falsifies the allegation of kidnapping made in the F.I.R. It is specific case of the petitioner that the informant has married his daughter with the petitioner and a false case has been registered against them after the natural death of his daughter with ulterior motive. It is further submitted that the petitioner and his family members have taken all steps to treat the



deceased and in course of treatment, the deceased died. Nothing is corroborated from the post mortem report that the deceased was murdered.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that sufficient evidence has surfaced in the case diary. In Paragraph No.35, it has come that as per the marksheet, age of the deceased is less than 18 years, however some of the witnesses have not supported the allegation made against the petitioner, rather such witnesses have stated that the deceased died of her illness in course of treatment. In Paragraph No.35, her date of birth has been stated to be 18.07.2002.

Considering the aforementioned overall facts and circumstances of the case, prima facie it appears that the case of kidnapping is not supported by any witness, cause of the death has not been ascertained in the post mortem, prosecution has not supported the case that the age of the victim is below 18 years, the post mortem report does not confirm the cause of death whereas specific statement has been made by the petitioner that the victim died in course of treatment, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties



of the like amount each to the satisfaction of the learned 6th Addl. Sessions Judge cum Special Judge, POCSO, East Champaran, Motihari in connection with Turkaulia (Banjaria) P.S. Case No. 187 of 2020, subject to the conditions that the court below will examine the father and mother of the victim as well shall determine the age of the deceased on the basis of materials on record and on being satisfied shall release the petitioner on such terms as he deems fit and proper.

(Purnendu Singh, J)

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