

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28589 of 2021**

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

PAPPU RAY @ PAPPU YADAV S/O SHIVJI RAY R/O VILLAGE-
RANJEETPUR WEST, P.S-PUNAURA, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur- Advocate

Mr. Uday Kumar- Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

5 31-01-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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

The learned counsel for the petitioner submits that the
petitioner is in custody since 12.02.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The informant in the F.I.R. alleges that his minor
daughter was forcibly kidnapped by the petitioner and the
named accused persons and five unknown, which was witnessed



by her another daughter, who disclosed the name of the petitioner and other accused persons. The informant thereafter started searching his daughter, but could not find her. In the next morning, the dead body of the victim was found hanging by scarf (dupatta). Accordingly, it is alleged that his daughter was raped and killed by the accused persons.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case as during the course of investigation, the police based on the investigation of C.D.R. and mobile of the deceased reached the house of one Manoj Kumar and accordingly, Manoj Kumar was taken into custody and the said Manoj Kumar in his confessional statement disclosed that he and the deceased were in love with each other and he had called the deceased and further, that after putting vermillion entered into physical relation and after that the girl left for her house.

The learned counsel for the petitioner submits that the F.I.R. does not even remotely suggest that as to why the petitioner and other named accused persons could have committed the occurrence. It is further submitted that similarly situated co-accused Umashankar Rai @ Umashankar Kumar has been granted anticipatory bail by order dated 20.01.2022 in Cr.



Misc. No.21929 of 2021.

The learned A.P.P. for the State opposes the bail application and submits that Para-8 of the case diary records the statement of Anu Kumari, the sister of the deceased and her statement is in consonance with the allegation as alleged in the F.I.R.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent and charge-sheet has been submitted in the case and similarly situated co-accused has been granted anticipatory bail, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI, Sitamarhi in connection with Punaura P. S. Case No.55 of 2020, subject to condition that one of the bailors shall be the father of the petitioner namely, Shivji Ray.

The application stands allowed.

(Satyavrat Verma, J)

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