

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31336 of 2021

Arising Out of PS. Case No.-137 Year-2019 Thana- AMDABAD District- Katihar

BHOLA MANDAL Son of Manik Mandal Resident of Village- Ambadiha,
P.S.- Talajha, District- Sahebganj (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mandal,Adv

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Amdabad
P.S.Case No.137 of 2019 corresponding to G.R.No.3648 of
2019 registered for the offence under Sections
302,201,354(B)/34 of the Indian Penal Code and Section 8 of
the POCSO Act.

The allegation as per the First Information Report is
that on 7.8.2019 at about 4:00 p.m. when the daughter and niece
of the informant had gone to pluck vine gourd (parwal) in the
field, they were accosted by brother of co-accused Kaliya
Choudhary namely, Ajay Choudhary alongwith 4-5 co-accused
persons. Thereafter, daughter and niece of the informant were
caught and taken to a bush. This information was given to the



informant by her sister-in-law(Gotni) and on the next day i.e. on 8.8.2019, the dead body of both, i.e. the daughter and niece of the informant were found lying in the field of Shyam Bihari Choudhary.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that the petitioner is not named in the FIR. The name of the petitioner has transpired only on the basis of the confessional statement of co-accused, namely, Biran Choudhary @ Kalia Choudhary. He further submits that the petitioner has been implicated in this case mainly on the basis of suspicion. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the learned Trial Court has taken cognizance under Sections 302,201,354(B),376/34 of IPC and Section 4 of POCSO Act against the petitioner. Petitioner is in custody since 20.12.2020.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available in the case diary and submits that there is sufficient material against the petitioner and other co-accused persons.

Considering the aforesaid facts, I am not inclined to



enlarge the petitioner on bail in connection with Amdabad
P.S.Case No.137 of 2019 corresponding to G.R.No.3648 of
2019 pending in the court of learned Special Judge(POCSO Act)
-cum-Additional Sessions Judge-III, Katihar.

Prayer is refused.

However, the learned Trial Court is directed to
expedite the trial.

(Rajesh Kumar Verma, J)

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