

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45972 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- DARIHAT District- Rohtas

Shakti Kumar Son Of Arun Singh Resident Of Village - Ahraw, Police Station
- Darihat, District - Rohtas At Sasaram.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate Mr. Raghunandan Kumar Singh
For the Opposite Party/s	:	Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-01-2022 Heard learned senior counsel for the petitioner and
learned APP for the State through video conferencing.

The petitioner seeks bail in connection with Darihat P.
S. Case No.11 of 2021, instituted for the offences under
Sections 363, 365/ 34 of the Indian Penal Code and Section 8 of
the POCSO Act and charge-sheet has been submitted under
Sections 354(A)(B), 363, 306/ 34 and Section 8 of the POCSO
Act, 2012.

The learned senior counsel for the petitioner submits
that the petitioner is in custody since 15.03.2021, he is a person
with clean antecedent, charge-sheet has been submitted in the
case and is a young boy aged about 22 years.

The learned senior counsel for the petitioner submits



that informant alleges that her two minor daughters on 02.02.2021 left their home for Aier Kotha Bazar and later informed that they were going to Sasaram and thereafter, informed that they were moving towards Dehri-on-Sone. Further her daughters used to talk to Shakti Kumar (petitioner), Manish Kumar and Golden Kumar and thus, on the basis of suspicion, it is alleged that the named accused persons might have kidnapped his daughters.

The learned senior counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. that the name of the petitioner along with other accused persons had come on the basis of suspicion and it is further submitted that during the course of investigation, the dead bodies of minors were recovered and since in the F.I.R., suspicion was raised against three named accused persons, as such, Golden Kumar was arrested, who in his confessional statement divulged that petitioner was also accomplice in the crime.

The learned senior counsel further submits that admittedly, the confession before the police is not admissible in evidence and it was further submitted that had it been a case of murder, then police after investigation, would have submitted charge-sheet under Section 302 of the I.P.C., but prima facie the



police found the case to be true under various Sections of the I.P.C. including Section 306 of the I.P.C. It is further pointed out that from perusal of the injury report of the victims, it would manifest that no external injury was found on their bodies nor there was sign of any sexual assault and the cause of death is said to be asphyxia caused by drowning.

At this stage, the learned senior counsel for the petitioner seeks permission to withdraw the present case with a liberty to renew his prayer for bail after framing of charge.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn with the liberty aforesaid.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

