

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51218 of 2021

Arising Out of PS. Case No.-260 Year-2021 Thana- VAISHALI District- Vaishali

CHANDAN KUMAR SAH S/o- Late Lala Sah R/O- Village - Bhagwanpur
Ratti (Chak Nayit), P.S. - Vaishali, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the informant	:	Mr. Shashi Bhushan Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Vaishali P.S. Case No. 260 of 2021 instituted for the offences
under Sections 341, 323, 363, 376(D), 302 of the Indian Penal
Code read with Sections 4 and 8 of the Protection of Children
from Sexual Offenses Act, 2012.

Learned counsel for the petitioner submits that the
petitioner is in custody since 01.07.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The informant alleges that his two minor grand-
daughters were sleeping when at 12:00 in the night four named



accused persons including the petitioner along with three unknown came and kidnapped (X), which was objected by (Y) (minor) but she was threatened on the point of pistol. It is further alleged that all the accused after kidnapping (X) committed gang rape and killed (X) and the body was thrown in the bush and in the morning (Y) (minor) narrated the entire occurrence disclosing the name of the named accused persons.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and the petitioner is a person with clean antecedent and further co-accused Ramesh in his confession has accepted that he established physical relationship with (X) and on her denial for marriage it was Ramesh who killed her.

Learned counsel for the informant vehemently opposes the bail application and submits that in nature of allegation as alleged the petitioner deserves absolutely no mercy, rather the (Y) minor, who is aged about 12 years, has very clearly disclosed the name of this petitioner also along with other named accused person who killed her sister and thereafter in the morning her dead body was found with sign of brutal sexual assault. Learned counsel for the informant further submits that even the postmortem report of the deceased records



that she was sexually assaulted and then strangled to death by a Nylon rope.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

The Court for the purposes of bail concurs with the submission of the learned counsel for the informant and the learned A.P.P., the Court in the nature of allegation is not inclined to grant bail to the petitioner in connection with Vaishali P.S. Case No. 260 of 2021 pending in the Court of learned Spl. Judge-POCSO-cum-Children Court-cum-Additional Sessions Judge-VI, Vaishali at Hajipur.

Accordingly, prayer for bail is rejected.

(Satyavrat Verma, J)

Kundan/-

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

