

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42477 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- TAJPUR District- Samastipur

=====

Bhola Rai @ Sanjeet Kumar S/O Vinod Rai Resident of Village- Kumaiya,
P.S.- Tajpur (Halai), District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Navendu Kumar, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 03-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Taipur P.S. Case No. 15 of 2022 lodged under Sections 120B,
376, 302/34 of the I.P.C.

As per the prosecution case, the informant has
disclosed that on the alleged date and place, his daughter was
sleeping in the house. In the meantime, the named accused
persons including the present petitioner entered into the house
and committed rape with the informant's daughter and murdered
by hanging.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He submits that it is true that case has been registered under sections 376, 302/34 and 120(B) of the I.P.C. but subsequently, after investigation, the police has found the allegation of rape and murder is not true and charge sheet has been filed in this case under Section 307 of the I.P.C. Learned counsel for the petitioner submits that petitioner is in custody since 09.03.2022 having clean antecedent. He further submits that the only material which is against him is that by the CDR, it shows that he has talked with the deceased 16 times. Learned counsel for the petitioner also submits that post-mortem report is annexed in this case in which the categorical opinion of doctor is that there is no sexual assault made with the deceased.

Learned counsel for the State opposes the prayer for bail.

Upon specific query that whether charge has been framed or not, learned counsel for the petitioner submits that he is not in a position to inform this court that whether charge has been framed or not.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner but liberty is hereby granted to the petitioner that

he may renew his prayer for bail 2 months after framing of charge. The trial court is directed to release him on bail imposing condition so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

prakashmani/-

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