

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52899 of 2022

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

MANOJ KUMAR @ SAROJ KUMAR Son of Upendra Kumar @ Upendra Rai @ Vikindra Rai @ Okindra Ray R/V- Ram Nagar @ Ramnagra, P.S- Suppi, Dist- Sitamarhi at present R/V- Ranjitpur West Ward No. 2, P.S- Punaura, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar,Advocate

For the Opposite Party/s : Mr.Pranav Kumar,Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-11-2022 Heard the learned counsel for the petitioner and
learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of bail in connection with Punaura P.S. Case No. 55 of 2020, Trial No. 62 of 2020 / 96 of 2021 for the offence punishable under Sections 363, 365, 376, 302/34 of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012 inasmuch as the earlier prayer of the petitioner for grant of bail was rejected by this Court by an order dated 15.03.2021, passed in Criminal Miscellaneous No. 36854 of 2020.

The case of the prosecution, in brief, is that the accused persons, some known and some unknown, had arrived at the house of the informant in the night at about 1:00 a.m. on



the alleged date of occurrence and had kidnapped the daughter of the informant namely Sanjana Kumari, whereafter the informant and his family members had searched for her in the night, however, in the morning at about 5:00 a.m. it transpired that the daughter of the informant has been killed and when the informant along with others reached at the place of occurrence, it was found that vermilion had been applied in the middle of the forehead of the daughter of the informant and her dead body was hanging from a tree by means of her scarf.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 16.04.2020 and, in the meantime, other co-accused persons have been granted bail by co-ordinate Benches of this Court, hence the petitioner be also granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that this Court in its earlier order dated 15.03.2021, passed in Criminal Miscellaneous No. 36854 of 2020, has elaborately considered the materials available in the case dairy and has come to a finding that there are ample materials on record to suggest the complicity of the petitioner in the alleged crime and apparently, the petitioner had put vermilion on the forehead of



the victim girl, had raped her and thereafter, the family members of the petitioner had arrived and all of them had killed the victim girl by hanging her on a tree by her scarf.

The learned A.P.P. for the State has also submitted that as far as the case of other co-accused persons is concerned, the same is distinguishable and moreover, it appears that the order of this Court dated 15.03.2021, was not brought to the notice of the co-ordinate Benches of this Court.

I have heard the learned counsel for the parties and perused the materials available on record from which it is apparent that there is no change in circumstance so as to warrant re-consideration of the prayer of the petitioner for grant of regular bail, apart from the fact that the petitioner is the main accused, is *prima facie* having complicity in the alleged offence and has committed a heinous crime, hence I do not find any merit in the present petition, thus the same stands dismissed.

(Mohit Kumar Shah, J)

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