

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54795 of 2021

Arising Out of PS. Case No.-19 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

1. BIPIN SAH S/o DHANAI SAH R/o PAHARPUR MANORATH, P.S-
SAHEBGANJ, DISTRICT-MUZAFFARPUR.
2. SHAMBHU THAKUR S/o LATE DONI THAKUR R/o PAHARPUR
MANORATH, P.S-SAHEBGANJ, DISTRICT-MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-02-2022 Heard Mr. Sunil Kumar Pandey, learned counsel for
the petitioners and Mr. Ashok Kumar Singh, Additional Public
Prosecutor for the State.

Petitioners seek regular bail in connection with
Sahebganj PS Case No. 19/2021 registered for the offence
punishable under Sections 302, 201/34 IPC, later on 376(D)
read with Sections 04, 08 of the POCSO Act were added.

As per First Information Report, the informant was
told by his second daughter that on 05.12.2020 at about 11:45
P.M., Gulshan Kumar and Chanchal Kumar committed rape
upon his younger daughter by calling her to their Dalan and they
also took nude snaps of the victim (younger daughter of the
informant). It is further alleged that on the basis of nude pictures
of the younger daughter of the informant, the accused persons
started pressurizing/blackmailing the second daughter of the
informant and wanted to establish sexual relationship with her



also. It is also alleged that on 03.01.2021, the accused persons, namely, Gulshan Kumar, Chanchal Kumar, Abhinay Kumar and Raja Kumar came to the informant's house and committed rape upon his younger daughter i.e., victim and killed her. Meanwhile, the second daughter reached to the place of occurrence and she found the door locked from inside and then all the aforesaid four persons came out of that room and threatened the second daughter of the informant not to disclose the incident to anybody, else she would also meet the same fate. It is next alleged that apart from aforesaid four persons, about 10-12 persons assisted the accused persons in disposing the dead body of the victim.

Learned counsel for the petitioners submits that the petitioners are not named in the FIR and they have been implicated in this case on basis of confessional statement of co-accused, Gulshan Kumar. He further submits that the fact of the matter is that co-accused, Gulshan Kumar was having love affair with the deceased and after establishing physical relationship with her, he took nude snaps of the deceased from his mobile phone which was transmitted to phone of co-accused Chanchal Kumar through Blue Tooth and the said photograph of the victim was made viral by Chanchal Kumar and Abhinay



Kumar. He further submits that due to the fact that nude pictures of the victim girl was made viral, she committed suicide by burning herself. It is further submitted that the petitioners along with other accused persons with the help of villagers disposed the dead body by burying the same near the bank of river *Gandak*.

Learned counsel further submits that the restatement of the informant was recorded but the informant did not take the name of these petitioners. The name of these petitioners came during course of investigation by the police in which second daughter of the informant in para-6 of the case diary stated that these petitioners and others were involved in the disposal of the dead body of the deceased. According to the learned counsel for the petitioner, on the basis of the statement made by the elder daughter of the informant, at best, the offence under Section 201 IPC will be attracted against these petitioners. There is no allegation of rape against the petitioners. Petitioners having no criminal antecedent are in custody since 10.08.2021 and the charge-sheet has already been submitted. There is no likelihood that the petitioners will abscond or will tamper with the evidences, if they are granted bail.

Regards being had to the submissions made by the



parties and taking into consideration the material on record and the fact that there is no allegation against the petitioners that they were instrumental in committing rape and killing of the younger daughter of the informant, they are not named in the FIR and the only allegation which came during course of investigation is that they were also involved in the disposal of the dead body subsequent to the incident along with a large number of villagers, they, having no criminal antecedent, are in custody since 10.08.2021, the charge-sheet has already been submitted, there is no likelihood that the petitioners will abscond or will tamper with the evidences, if they are granted bail, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, namely, BIPIN SAH and SHAMBHU THAKUR be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur in connection with Sahebganj PS Case No. 19/2021.

(Anil Kumar Sinha, J)

perwez

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

