

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36008 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- CHAKIA District- East Champaran

Vikas Kumar @ Vikash Kumar @ Vikash Sah S/O Jhigan Sah @ Jhigan Sah
R/O Village Hasanpurwa, P.S. Chakia, Dist. East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with Chakia P.S. Case No. 07 of 2023 instituted for the offence under Sections 376(AB), 302, 201 and 34 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

Allegation against the petitioner is that he committed murder after committing rape of the informant's daughter who is aged about three and half years. It is further alleged that during investigation, co-accused, namely, Rakesh Kumar said that he gave the informant's daughter to the petitioner for the sake of some money.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this present case. It



is further submitted that the petitioner is not named in FIR. During the course of investigation, his name has been transpired in this case. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 09.01.2023.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that there is specific overt act of murder after committing rape of the victim girl who was aged about three and half years against the petitioner. It is further submitted that the co-accused as well as the petitioner has confessed their guilt in their confessional statement vide para 14 and 47 of the case diary. From perusal of the postmortem report which is also corroborated with the prosecution version, the doctor opined that on external examination of the victim, a safety pin found and stuck in the tissue below the Right eye of the victim which is taken out and also Hymen found ruptured with abrasion of skin around the vulva and the cause of death is asphyxia due to throttling.

Having heard the learned counsel for the parties and considering the gruesome nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.



The trial court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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