

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37279 of 2023

Arising Out of PS. Case No.-237 Year-2019 Thana- MAHUA District- Vaishali

1. VIKASH KUMAR SON OF RAJ KUMAR RAM RESIDENT OF VILLAGE - FATEHPUR CHAUTHAI, P.S. - MAHUA, DISTRICT - VAISHALI
2. RAJU KUMAR SON OF RAJ KUMAR RAM RESIDENT OF VILLAGE - FATEHPUR CHAUTHAI, P.S. - MAHUA, DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Mahua P.S. Case No. 237 (A) of 2019 registered under Sections 302/34 of the Indian Penal Code and Section 4/8 of the POCSO Act lodged on 02.05.2019 by the informant, Manoj Ram

As per the prosecution story, the allegation is that the minor deceased, the child of the informant, went to attend her coaching class, failed to return and in the morning, the informant heard that the dead body of the girl has been kept in the house of accused persons, the police went, recovered the dead body, post-mortem conducted and the FIR lodged.



It is the case of the petitioner that they are innocent and have been falsely implicated. They have no motive to kill her. Further, the allegation is against one Ranjan Kumar, the brother of the petitioner, a married person who was having one sided affair with the girl and pressurizing her to marry him. On the fateful day, she had come to their place, an altercation took place with Rakesh Kumar, following which she consumed poison which followed consummation of poison by Rakesh Kumar also. Both were admitted to Sadar Hospital, Hajipur Vaishali, discharged, although Rakesh Kumar survived, the girl died. They had no role to play in the matter.

It has been pointed out by learned APP for the State that the FIR was lodged in 2019, the petitioners evaded arrest for three years and only in 05.12.2022, they chose to come in the judicial net. Further, the trial is at an advanced stage and allowing them on bail would further delay the trial. He as such, opposes the prayer for bail.

Considering the allegations, a minor girl has been killed as per the facts on record, the trial is at an advanced stage, it would be appropriate that they face trial.

In view of the fact that the matter is of 2019, it is expected that the Trial Court is directed to expedite the trial



and conclude the same within a period of nine months.

The bail application stands rejected with the aforesaid observation.

(Rajiv Roy, J)

Jagjyoti/-

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