

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56926 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- CHANDAN District- Banka

Sridhar Kumar @ Sridhar Barnwal @ Chhotu Son of Sri. Sanjay Kumar @ Sri. Sanjay Barnwal Resident of village - Chandan, P.S. - Chandan, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Ajay Kr. Sinha, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 23-02-2023 Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Chandan P.S. Case No. 58 of 2022 registered for the offences punishable under Sections 364, 302, 376 (D-B) and 201 of the Indian Penal Code and Section 4 of POCSO Act.

As per the prosecution, the informant's minor niece aged about eight years was kidnapped by this petitioner and other co-accused persons and thereafter the victim was raped and brutally murdered.

The main submissions advanced by Mr. Ajay Kr. Sinha, learned counsel for the petitioner are that the petitioner has been made accused in this case mainly on the basis of suspicion and as per the prosecution's story, the victim was seen with co-

accused Sagar Soni and not in the company of petitioner and as per the allegation the petitioner simply helped the co-accused Sagar Soni in fleeing and except this there is no other allegation against him and during the investigation some clothes having blood stain and other incriminating materials were recovered from co-accused Vimal Kumar and others but no recovery was made from the possession of this petitioner and there is no direct or indirect evidence against the petitioner and he has fair and clean antecedent and has been languishing in jail since 21.03.2022.

Mr. Binod Kumar No. 3, learned APP for the State has opposed the bail prayer and accepted that the matter relates to heinous offence of rape and murder of a small minor child and petitioner helped the co-accused in fleeing from the alleged place of occurrence which shows that the petitioner might have been involved with other co-accused persons in committing the alleged occurrence and one co-accused is still to be arrested.

Having considered the seriousness of the occurrence which relates to murder and rape of a small child and the same was committed in a well planned manner, as per the prosecution the accused persons involved in the conspiracy to commit the alleged occurrence and the petitioner helped one co-accused in

fleeing from the spot, this Court is not inclined to accept the bail prayer of the petitioner. Accordingly, his bail prayer stands rejected.

The Trial Court is directed to expedite the trial of the petitioner and take steps to conclude his trial in the next six months. If the petitioner’s trial is not concluded in the said period, then he may renew his bail prayer.

(Shailendra Singh, J)

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