

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64868 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- PALANWA District- East Champaran

RUPESH MISHRA, male, aged about 45 years, Son of Janak Mishra
Resident of Village - Murwa, P.S.- Palanwa, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Sharma, App
For the informant	:	Mr. Umesh Chandra Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 28-04-2023 1. Heard learned counsel for the petitioner, the
learned APP for the State as well as learned counsel for the
informant.

2. Petitioner seeks regular bail in connection with Palanwa P.S. Case No. 67 of 2022 dated 23.03.2022 registered for the offence(s) punishable under Section(s) 363, 366(A), 34 of the Indian Penal Code, Sections 4/8 of the POCSO Act and later on the victim was murdered by the accused persons.

3. As per prosecution, the informant's minor daughter aged about 16 ½ years was kidnapped by the FIR named accused persons with malice intention and later on the victim was murdered by the accused persons.

4. The main submissions advanced by the learned



counsel for the petitioner are that the petitioner has no criminal antecedent, in the FIR, eight persons have been named, petitioner's name came into light during investigation in the statement of co-accused Ram Bahadur Yadav with whom the petitioner has no good relation on account of some dispute and informant's wife is stated to be the eye-witness but she did not disclose the name of the petitioner. Further submission is that the petitioner has been languishing in jail since 03.09.2022.

5. Learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that though the petitioner is not named in the FIR, but his name surfaced during investigation and he was also involved in the killing of the victim aged about 16 years, who was brutally murdered by the accused persons and her dead body was thrown into a river and co-accused Chotan Yadav confessed to the crime and in following with the disclosure made by him, the *garasi* which was used in killing the victim was recovered and as per the statement made by the said co-accused, the petitioner was also involved in the alleged crime of gruesome murder.

6. Heard the parties, perused the FIR and case diary of the case. As per the prosecution's allegation, the victim was brutally murdered by this petitioner and co-accused persons,



though the petitioner is not named in the FIR but his name surfaced during investigation and after the murder, the victim's body was chopped off by the accused persons including the petitioner and the pieces of the body were thrown into a river and the *garasi* which was used in the crime was recovered in following with the statement made by co-accused Chotan Yadav. Considering the seriousness of the occurrence, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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