

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30063 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- BARBIGHA District- Sheikhpura

1. Kundan Kumar @ Dabloo @ Dablu Kumar S/o Nagendra Yadav @ Nago @ Nago Yadav R/o vill - Balwapar, P.S. - Barbigha, Distt. - Sheikhpura
2. Hiran Kumar S/o Late Sanjay Yadav R/o vill - Payin, P.S. - Sheikhpura, Dist. - Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 11-09-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Barbigha P.S. Case No. 46 of 2024 dated 31.01.2024 registered for the offences punishable under Sections 302 and 376 of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

3. As per the prosecution case, the informant's minor daughter was found missing from her house. Thereafter, the informant started searching and saw that his daughter was lying dead in the field (Arhar) of Ram Pravesh Yadav. His daughter was half nude.



4. Learned counsel for the petitioners have submitted that the petitioners are innocent and have falsely been implicated in this case. The charge-sheet has already been submitted against the petitioners. The name of the petitioners have surfaced in this case on the basis of the statement of villagers who saw that the petitioners were coming out from the said field of Ram Pravesh Yadav. But the name of villagers was not disclosed. The petitioners have no concern with the alleged offence. The petitioner no.1 has one criminal antecedent and petitioner no.2 has no criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 07.02.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners and submitted that both the petitioners were seen coming from place of occurrence at the time of the alleged offence. They have been alleged of teasing and doing wrong act with lonely girl. The farm of the petitioner, Kundan Kumar is situated near the place of the occurrence where the petitioners sit till late evening. Learned APP for the State has further stated that the cause of death is asphyxia due to neck compression. The victim is aged about 15 years old. It is a case of rape with murder. As per the post-mortem report, Labia



majora and Labia minora is in dark brown colour white fluid with slight redness around vaginal opening white fluid with slight redness found inside vaginal canal. Three vaginal swab taken for investigation was sent to State Forensic Lab, Bhagalpur.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence against the petitioners, this court is not inclined to grant bail to the petitioners and the same is rejected in connection with Barbigha P.S. Case No. 46 of 2024, pending in the Court of learned Additional District and Sessions Judge-VI, Sheikhpura.

7. Learned court below is directed to conclude the trial of the petitioners at the earliest.

(Chandra Prakash Singh, J)

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