

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32569 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Jitan Kumar @ Jitendra Kumar Son of Jugeshwar Mahto Resident of Village-
Kewas, Nizamat, Ward no- 4, P.S- Muffasil, Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shailo Devi Wife of Sikandra Mahto Resident of Village- Kewas, Nizamat,
Ward no- 4, P.S- Muffasil, Dist- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Advocate
For the State	:	Mr. Ram Anurag Singh, APP
For the Informant	:	Mr. Ram Jitan Prasad Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

7 12-11-2024 Heard learned counsel for the petitioner and learned APP

for the State as also learned counsel for the informant. Perused

the case diary.

2. The petitioner seeks bail in connection with

Samastipur (Muffasil) P.S. Case No. 397 of 2023 instituted for

the offence under Sections 328, 376(D), 302 & 120B of the

Indian Penal Code and Sections 4 & 6 of the Protection of

Children from Sexual Offence Act.

3. Prosecution case in brief is that daughter of the

informant went missing and later on, it was discovered that one

Jitan Kumar (petitioner) and four others have kidnapped the



victim with ill intention and committed rape upon her. Subsequently, she was found in front of Rajbali Mahto's house and thereafter, she was taken to hospital for treatment where she died.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 21-09-2023. Petitioner is stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is named in the FIR. Name of the petitioner has surfaced during course of investigation merely on the basis of suspicion. Learned counsel submits that there is no eye witness to the occurrence. There is delay of one month in lodging of the FIR. It is lastly submitted that police after investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to paragraph Nos. 15, 16, 17 & 18 of the case diary that witnesses have supported the prosecution case. It is specifically submitted that when victim was in unconscious state she has clearly stated that petitioner and one other co-accused have committed rape upon her that amounts to dying



declaration.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence and taking into account the fact that there is direct involvement of the petitioner in the alleged occurrence, this Court is not inclined to grant bail to the petitioner. Prayer is rejected.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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