

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44351 of 2024

Arising Out of PS. Case No.-16 Year-2024 Thana- PATAHI District- East Champaran

Mohan Singh @ Mohan Kumar Singh S/O Late Upendra Singh Village
Khutauna, P.S.- Patahi, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Harendra Singh son of Late Ramdayal Singh Village- Khutauna, Post-
Betauna, P.S.- Patahi, Distt.- East Champarana

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv.
For the State	:	Mr. Lalan Kumar, APP
For the O.P. No.2	:	Mr. Abhishek Kumar, Adv.

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

ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner and learned

APP for the State as also counsel for the Informant. Perused the

case diary.

2. The petitioner seeks bail in connection with Patahi

P.S. Case No. 16 of 2024 instituted for the offences under

Sections 302, 376, 354(Gha), 34 of the Indian Penal Code and

Section 4, 6 of the POCSO Act.

3. As per prosecution case, the accusation against the

accused persons including the present petitioner is of

kidnapping the Informant's minor daughter aged about 14 years

while she was going to fetch firewood from cattle-house and

took her to his house and strangled her after committing rape



upon her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. The petitioner and the Informant are next door neighbour. He further submits that as a matter of fact, due to torture and assault by the parents and brothers of the deceased, she committed suicide and, thereafter, her brothers forcibly kept the dead body on the *Baramdah* of the petitioner. The petitioner never threatened to viral the video. From the postmortem report, it appears that the Doctor has not found any sign of rape. The Doctor has also not found any external injury, scratch, bruise on the person of the deceased though a ligature mark in the neck has been found. The Doctor has opined in the postmortem report that the cause of death is not clear and, thus, the postmortem report does not support the prosecution case. The Doctor has also not found spermatozoa. The petitioner has one criminal antecedent and is languishing in judicial custody since 06.02.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the dead body of the deceased



was recovered from the *Varamdah* of the petitioner. The allegation made against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, this Court finds that the deceased's dead body has been recovered from the *Veramdah* of the accused petitioner which is evident from Para-9 of the case diary. In the postmortem report, the Doctor has found ligature mark in the neck of the deceased. The witnesses in different paragraphs of the case diary have also fully supported the prosecution case. The offence alleged against the petitioner is serious in nature.

7. Accordingly, looking to the nature and gravity of the offence, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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