

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57911 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- NAVINAGAR District- Aurangabad

Rakesh Kumar, aged about 32 years (Male), Son of Dilip Singh @ Dilip Kumar Singh, R/O Vill.- Koshdihra, P.S.- Navinagar, Dist.- Aurangabad.
... .. Petitioner

Versus

- 1. The State of Bihar.
- 2. Urmila Devi, Wife of Abhay Kumar Singh, R/O Vill.- Navi Nagar, Behind Gas Godam, P.S.- Navi Nagar, Dist.- Aurangabad.

... .. Opposite Parties

Appearance :
For the Petitioner : Mr. Ajay Kumar Thakur, Advocate, Mrs. Vaishnavi Singh, Advocate and Mr. Ritwik Thakur, Advocate.
For the O.P. No. 2 : Mr. Madhumay Madhup, Advocate
For the State : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 07-10-2024 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Nabinagar P.S. Case No. 162 of 2024 dated 12.06.2024 registered for the offences punishable under Sections 363, 366A/34 of the I.P.C. and Sections 8 and 12 of the POCSO Act in which charge sheet has been submitted for the offences punishable under Sections 363, 376D, 302, 201, 120B read with Section 34 of the I.P.C. and Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, on 11.06.2024 at about 6.45 A.M., the victim went out from her house by saying that she was going to ‘Premier Coaching’ but she did not return. On



search of mobile details, her chatting and calls were seen with one Rohit Kumar. The victim was also in repeated contact with her friend Shruti Kumari. When the informant tried to contact the mother of Shruti Kumari, she did not attend the call. The informant got suspicion about the involvement of Rohit Kumar, Shruti Kumari and the mother of Shruti Kumari in kidnapping of the victim.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is neither named in the F.I.R. nor during investigation, any witness has named him. It is further submitted that from perusal of the F.I.R. as well as from the CDR of the mobile of the deceased and the co-accused Rohit Kumar, it appears that both were used to talk to each other and there was long chat in between them. It is further submitted that the co-accused Rohit Kumar in his confessional statement has not named the petitioner. The dead body of the deceased was recovered from *Indrapuri Dam* and the postmortem of the dead body was conducted and the doctor has opined that death was caused as a result of asphyxia due to drowning. However, Viscera was preserved. It is further submitted that as per the confessional statement, the victim and the co-accused Rohit



Kumar were in physical relationship for several times and the victim was insisting him to marry her but he refused by saying that he has to study and he was not allegedly picking up her phone so she was disturbed which itself goes to show that the present occurrence took place in another way and manner. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 29.06.2024. The petitioner is the proprietor of the said marriage hall. The petitioner in his confessional statement has stated that his brother Dharmendra Kumar Singh come to him shivering and told that he committed rape on the victim and pressed her neck when she was trying to cry due to that she died. Then, the petitioner and the co-accused persons threw the dead body into the Indrapuri Dam with a view to disappear the evidence. No offences under Sections 302 and 376D of the I.P.C. is made out against the petitioner.

5. Learned A.P.P. for the State and learned counsel for opposite party no. 2 have vehemently opposed the bail petition of the petitioner. Learned counsel for the opposite party no. 2 has further submitted that several paragraphs of the case diary show the involvement of the petitioner in the present case of rape and murder of the minor victim.



6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Exclusive Judge (POCSO), Aurangabad in connection with Navinagar P.S. Case No. 162 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed

(Chandra Prakash Singh, J)

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