

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5781 of 2025

Arising Out of PS. Case No.-47 Year-2024 Thana- DURAULI District- Siwan

Premchand Ram Son of Ganesh Ram Vill -Dumarhar Bujurg P.S. -Darauli
Dist -Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
		Mr. Shyamli Kumari, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 03-07-2025 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 376, 328 and 302 of the Indian Penal Code.

3. As per the prosecution case, the informant got a news that his grand daughter, namely, Geeta Kumar who was around 18 years of age was found unconscious in the field and when he reached there along with the other villagers, he saw that his grand daughter was lying unconscious and she was half naked. The informant took his grand daughter to the Primary Health Centre, however, she was declared dead. It is further alleged that the informant had suspicion that it was the



petitioner who had first raped his grand daughter and then killed her by administering poison.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and there is not a single evidence to show that he has committed the said crime. The learned counsel further submits that from perusal of the FIR, suspicion has been raised against the petitioner on the basis of a phone call, however, during the course of investigation, the CDR has not been procured which would support such allegation. It has next been submitted that from perusal of the postmortem report, it would be evident that there was no sign of rape found by the doctor and there was no external injury found on the body of the deceased.

5. It has further been submitted that the viscera report was called by this Court and from perusal of the same, it would be evident that the deceased had consumed Aluminium Phosphide (CELPHOS) which probably is the cause of death, however, it is not clear that it was the petitioner who had given the said poison. The learned counsel next submits that from perusal of the F.S.L. report of the clothes of both the deceased as well as the petitioner, it has been stated that neither blood could be detected from the two clothes nor any semen could be



detected in the exhibits marked 'A' and 'B' which is the clothes of the deceased and the cloth of the petitioner. It has further been submitted that during the entire investigation, there is nothing to suggest that it was the petitioner who had committed any crime and it seems that it is a case of suicide. The learned counsel lastly submits that petitioner has clean antecedent and is in custody since 16.02.2024.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that the petitioner is accused of first committing rape upon the grand daughter of the informant and then killing her by giving poison.

7. Considering the aforesaid submissions made by the parties and taking into account the F.S.L. report as well as the viscera report, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Darauli P.S. Case No. 47 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be her close relative and the other shall be local resident.



(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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