

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25869 of 2024

Arising Out of PS. Case No.-233 Year-2022 Thana- ARA NAWADA District- Bhojpur

Dhindha Mushar @Lalmuha Son Of Daroga Mushar Resident Of Village-
Ratanpur, Ps- Ayer, Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tuntun Kumar son of Subhash Mushar village- Anaitha godhna road, Ps-
Ara Nawada, Dist- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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

ORAL ORDER

6 28-02-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Ara
(Nawada) P.S. Case No. 233 of 2022 instituted for the offence
under Sections 363, 366A/34 of the Indian Penal Code (for
brevity 'IPC') and later on, Sections 302, 201, 376(D) & 34 of
the IPC and Sections 4 & 6 of the POCSO Act were added.

3. Prosecution case in short is that sister of the
informant was abducted from the house of one Murti Devi, who
has taken the sister of the informant on 06-03-2022. Later on,
dead body of the sister of the informant was found.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 13-12-2023. Petitioner bears no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused, namely, Nandji Mushar. At the time of occurrence, petitioner was not present on the spot. Petitioner has not committed any offence as alleged in the confessional statement of co-accused, Nandji Mushar. There is no eye witness to the occurrence. Charge sheet is submitted 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 that paragraph No. 42 of the case diary is the confessional statement of co-accused, namely, Nandji Mushar, who has confessed his guilt and on his confession dead body was recovered as also he has named the petitioner. It is also stated in his confessional statement that he along with petitioner and others have committed gang rape upon the deceased. Allegation is very serious in nature and petitioner does not deserve the privilege of regular bail. Bail of other co-accused



has been granted regular bail by this Court vide order dated 14-04-2025, passed in Cr. Misc. No. 20274 of 2024.

7. Considering the aforesaid facts and circumstances of the case, nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail is, accordingly, *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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