

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60455 of 2024

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

Dharmendra Kumar Singh @ Dharmendra Kumar Son of Dilip Kumar Singh
R/O- KOSHIDIHA P.S-NABI NAGAR DIST- AURANGABAD

... .. Petitioner/s

Versus

1. The State of Bihar
2. Urmila Devi Wife of Abhay Kumar Singh R/V- Nabinagar Gas Godam, P.S.-
Nabi Nagar, Distt.- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Adv.
For the Opposite Party/s	:	Mr. Anish Chandra, APP
For the O.P. No.2	:	Ms. Ritika Rani, Adv.
		Mr. Vardan Mangalam, Adv.
		Ms. Rupali, Adv.
		Mr. Himja Gautam Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 05-03-2025 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
read with 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. The dead body of the deceased was recovered from *Indrapuri Dam* and the post-mortem of the dead body was conducted and the doctors have opined that death was caused as a result of asphyxia due to drowning whereas the allegation against the petitioner is of strangulating. However, Viscera was preserved. Learned counsel



for the petitioner has further submitted that as per the post-mortem report, there is no definite finding regarding sexual assault. 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 co-accused, Rakesh Kumar has already been granted regular bail by this Court vide order dated 07.10.2024 passed in Cr. Misc. No. 57911 of 2024.

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. The confessional statement of the petitioner as stated in Para-135 of the case diary, has supported the prosecution case.



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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