

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65248 of 2024

Arising Out of PS. Case No.-237 Year-2019 Thana- MAHUA District- Vaishali

Raju Kumar Son of Raj Kumar Ram Resident of Village-Fatehpur Chauthai,
PS- Mahua,, District- Vaishali, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Ram Son of Ram Pravesh Ram R/V- Ajmatpur Parti, P.S.- Raja Pakar
Baranti O.P., Post- Bidupur R.S, Distt.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Adv
For the Informant	:	Mr. Chandra Shekhar Sharma, Adv
For the State	:	Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 17-04-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mahua P.S. Case No. 237 of 2019 registered for the offences punishable u/s 302 read with Section 34 of the India Penal Code and Section 4/8 of the POCSO Act.

3. As per the prosecution case, on 29.04.2019 at about 09:00 A.M., the daughter of the informant had left for coaching classes, but she did not return and despite his efforts to locate her, he did not get any trace. It is further submitted that on 30.04.2019, the brother of the informant heard that a dead body



of the victim had been kept at a place and accordingly, the body of the informant's daughter was found. The informant has further alleged that the named accused persons including the petitioner have caused the death of the deceased after committing rape.

4. Learned counsel for the petitioner has submitted that the recovery of the dead body was made from the house where Ranjan Kumar Ram (brother of the petitioner) used to reside and the thrust of the allegation is primarily on Ranjan Kumar Ram. It is also submitted that the petitioner used to work in Delhi and he was at that relevant time not even present at the place of occurrence. It has further been submitted by learned counsel for the petitioner that from perusal of the post-mortem report, it is evident that the doctor has neither found any injury on any part of the body of the deceased nor any sign of rape. It is further pointed out that the viscera report suggested that there was some poisonous substance found inside the body of the deceased. It is further submitted that the petitioner has clean antecedents and is in custody since 05.12.2022.

5. Learned counsel for the petitioner has stated that the said Ranjan Kumar Ram used to reside in the same house where the said dead body was found along with his father and



he has drawn the attention of this Court to the order dated 19.03.2020 passed in Cr. Misc. No. 79004 of 2019, which was preferred by Raj Kumar Ram, who happens to be the father of the petitioner. From the perusal of the said order, it is evident that co-ordinate Bench of this Court had taken note of the fact that the thrust of the allegation was on Ranjan Kumar Ram and the local who had given a statement before the police had suggested that the father of the petitioner was a person of good reputation and he had been falsely implicated in this case.

6. This Court has also opined that from the investigation paper it is clear that the suspicion of the informant regarding the participation of Raj Kumar Ram (father of the present petitioner) is being only inferred because he was present in the house.

7. Taking a leaf out of the said order and also the fact that there is no direct evidence to connect the petitioner with the aforesaid killing and taking into account the various depositions which have been brought on record by way of Annexure- 3, it is clear that most of the prosecution witnesses have suggested, that two of the accused, namely, Vikash Kumar and Raju Kumar (Petitioner) were residing in Delhi when the incident occurred.

8. Learned counsel for the informant has vehemently



opposed the prayer for bail and has stated that the petitioner was a named accused and he along with his brothers and father has murdered the victim. Learned APP has supported the arguments of the learned counsel of the informant and has stated that a very heinous crime was committed by the petitioner and others and there was a specific allegation against the petitioner, hence, he does not deserve the liberty of bail.

9. Considering the aforesaid facts and circumstances of the case and specially taking into account the depositions which have been brought on record by way of Annexure- 3 and Annexure- 4 wherein there is contradictions in the statements of the informant with regard to the veracity of the deceased vis-a-viz Ranjan Kumar Ram and also taking into account that the petitioner has remained in custody for last more than two years and four months, let the petitioner above-named, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 237 of 2019

10. However, it is made clear that the petitioner shall cooperate in the investigation and in case the learned Trial Court is of the opinion that the trial is being delayed due to non-



cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the Trial.

11. The application stands allowed.

(Sourendra Pandey, J)

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