

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89610 of 2024

Arising Out of PS. Case No.-274 Year-2024 Thana- PAROO District- Muzaffarpur

Chunnu Kumar @ Chunnu Paswan S/o Tulsi Paswan R/o Village- Lalu Chhapra, P.S- Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Bachiya Devi W/o Gunaur Ram R/o Naga Tola, P.S- Paru, Distt.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the Informant : Mr. Harsh Kumar Singh, Advocate
For the State : Mr. Usha Kumari 1, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 15-04-2025 Heard learned counsel for the petitioner, learned counsel for the Informant and learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Paru P.S. Case No. 274/2024 of 2024 instituted for the offences under Sections 103(1), 70(2)/3(s) BNSS, Sections 4/6 of POCSO Act and Sections 3(i)(r), 3(i)(s), 3((2)(v)(va) of SC/ST Act.

3. The prosecution story in short is that the informant in her written report has alleged that her son Sunil Ram along with her husband and their minor daughter namely Rupa Kumari were sleeping when the co-accused Sanjay Rai along with



his five friends came on motorcycles and abused the informant as well as her husband and son and threatened that they would commit rape upon her daughter. Thereafter, she further alleged that they forcibly entered into the house and assaulted the informant and others and they forcibly took away their daughter namely Rupa Kumari on the motorcycle. The informant had stated that she looked for her daughter whole night, however, the next day, i.e., on 12.08.2024 she was informed that her daughter's body was found with her clothes torn and her feet tied with rope. The informant had further alleged that co-accused Sanjay Rai along with his friends had forcibly taken away her daughter and had committed rape upon her and subsequently they had killed her.

4. It is submitted by learned counsel for the petitioner that petitioner has been made an accused merely because he was known to his friend Sanjay Rai, who was close to the deceased Rupa Kumari and it was on the statement of the co-accused Sanjay Rai his name has surfaced in the present case though he was not named in the FIR. It is further submitted that the petitioner has been made an accused on statement of Sanjay Rai which is evident from the case diary. It is also submitted that there is nothing on record to connect the petitioner with the said crime



as during investigation nothing incriminating has been found which would connect the petitioner with the alleged incident. It is lastly submitted that the petitioner has no criminal antecedent and he is in custody since 20.08.2024.

5. Learned counsel for the informant submits that the informant Rupa Kumari was brutally killed by Sanjay Rai and his associates and the petitioner was one of them as his name has transpired on the basis of the confessional statement of the co-accused Sanjay Rai. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and has pointed out that the name of the petitioner has surfaced on the confessional statement of the co-accused Sanjay Rai and the police has recorded such fact in the case diary wherein it has been stated that Sanjay Rai had named the petitioner as one of the accomplice in the crime and a reference to the confessional statement of the petitioner was also there in the case diary.

6. Considering the aforesaid submissions of learned counsel for the petitioner and the fact that nothing incriminating has been found to connect the petitioner with the alleged confessional statement of the co-accused Sanjay Rai, this Court is inclined to grant bail to the petitioner. The petitioner, above named, is directed to be released 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 the learned 7th Additonal Sessions Judge-Cum-Special Judge, POCSO-II, Muzaffarpur in connection with Paru P.S. Case No. 274 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(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 canceled by the Court concerned.

(Sourendra Pandey, J)

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