

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36352 of 2015

Arising Out of PS.Case No. -96 Year- 2015 Thana -BODHGAYA District- GAYA

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1. Raghunath Manjhi @ Gober Manjhi @ Raghunandan Manjhi, son of
Ramji Manjhi, Resident of village- Jaitiya Tola, Bhui Toli, P.S. Charki,
District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Ehteshamuddin

For the Opposite Party/s : Mr. Sucheta Yadav(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 01-12-2015 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. representing the
State.

The petitioner seeks bail in connection with Bodh-
Gaya (Cherki) P.S. Case No. 96 of 2015 registered for the
offences punishable under Sections 376A, 302 and 201 of the
Indian Penal Code and Section 6 of the Protection of Children
from Sexual Offences Act.

Allegedly Jeermanti Kumari, aged about 11 years went
at the door of Mahangu Manjhi to sleep in the night of 20.3.2015
but did not return to the house and on enquiry Mahangu Manjhi
told the informant that Raghunandan Manjhi had taken away her

on the plea that her mother was calling and thereafter the dead body of Jeermanti Kumari in naked condition, having bleeding from private part, was recovered from the wheat field and accordingly it has been expected that Raghunndan Manjhi after committing rape, has killed her.

Submission is of false implication due to village politics. Mahangu Manjhi has not been examined during investigation and, as such, the version of the informant has got no leg to stand because the informant is not the witness who has seen the petitioner taking away the girl. The police after adopting third degree method, got recorded the alleged confessional statement and seized the wearing shirt of the petitioner, alleging that there is washed blood stain. Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and the petitioner is in custody since 10.04.2015, having no criminal antecedent.

The learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail but fairly submits that during investigation the statement of Mahangu Manjhi has not been recorded.

In the facts and circumstances stated above, considering that there is no direct evidence, chargesheet has

already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Additional Sessions Judge, 1st-cum-Special Judge (POCSO Act), Gaya arising out of Bodh Gaya (Cherki) P.S. Case No. 96 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

sushma/-

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(Jitendra Mohan Sharma, J)