

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54952 of 2015

Arising Out of PS.Case No. -258 Year- 2013 Thana -GAYA MUFFSIL District- GAYA

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Gonga Manjhi @ Munarik Manjhi, son of Shivbarat Manjhi, resident of village- Bhusunda (Gandhar), P.S.- Moffasil, District- Gaya (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with POCSO Trial No.56 of 2015, arising out of Moffasil (Gaya) P.S. Case No.258 of 2013 registered under Section 376 of the Indian Penal Code.

The allegation of the informant Rajdeo Manjhi is that on 08.05.2013 at about 02.00 P.M., the petitioner came at his door and introduced himself denoting his name as Gonga Manjhi alias Munarik Manjhi and the friend of Lambua, the brother of the informant, and the informant also provided him food. The informant sent his two daughters, namely, Reshmi Kumari aged



about 12 years and Koshmi Kumari aged about 9 years on the Thela with this petitioner to bring rice from the godwon but his both daughters did not return till evening on that day. On search, the petitioner could not trace out his both daughters but in the night they were taken to his house by his brother Lambua. Thereafter, Reshmi Kumari, informed the informant about committing rape on her by this petitioner.

Learned counsel appearing on behalf of the petitioner submits that from perusal of the F.I.R. it would appear that both the daughters of the informant were taken to the house of the informant by his brother Lambua. In fact, there is business rivalry in between the petitioner and Lambua, the brother of the informant. Due to that reason, the petitioner has falsely been implicated in this. It is further submitted that the victim was medically examined on the next day, i.e., 09.05.2013 at about 11.00 A.M. but no sign of rape was found on her person even the hymen was found intact. Further submission is that the petitioner having no criminal antecedent is in custody since 16.06.2015.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the

satisfaction of the 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Gaya, in connection with POCSO Trial No.56 of 2015, arising out of Mofassil (Gaya) P.S. Case No.258 of 2013.

(Rajendra Kumar Mishra, J)

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