

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.5175 of 2018**

Arising Out of PS.Case No. -255 Year- 2017 Thana -CHAPRA MUFFASIL District- SARAN

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1. Manjay Singh, S/o- Phulena Singh, resident of Village- Rampur, P.S.-  
Khaira, District- Saran.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Chandra Shekhar Singh

For the Opposite Party/s : Mr. Aditya Narayan Singh 1

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3      19-02-2018                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner has been in custody since 28.08.2017 in  
connection with Mufassil P.S. Case No. 255/2017 registered for the  
offences punishable under Section 376/511 and 34 of the Indian Penal  
Code and Section 8/16 of POCSO Act.

Diary in this case has been called for which has since  
been received.

Learned counsel for the petitioner submits that no where  
in the case diary has it come clearly that the victim girl in question was,  
in fact, a child as she is never been placed for either medical  
examination nor has her statement been recorded under Section 164 of  
the Cr. P.C. which is a mandatory provision.

Learned counsel for the State after perusal of the case  
diary submits that the story has been reiterated in the case dairy and



there is no material to indicate that the victim girl in question was, in fact, below 18 years of age as neither there is a statement under Section 164 Cr. P.C. or any medical report to ascertain the same.

Having heard learned counsel for the petitioner and learned counsel appearing on behalf of the State and after perusal of the entire material of the case diary, a serious doubt is cast on the prosecution story.

In view of such facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, Saran at Chapra, in connection with POCSO 20/17 arising out of Muffasil P.S. Case No. 255/17.

**(Anjana Mishra, J)**

Saif/-

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