

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19095 of 2018

Arising Out of PS.Case No. -168 Year- 2017 Thana -MANJHI District- SARAN

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1. Raju Kumar Son of Suresh Mahto a resident of Garh Bazar Manjhi, P.S. -
Manjhi, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

03 18-05-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in POCSO Case No.4 of
2018, arising out of Manjhi P.S. Case No.168 of 2017,
registered under Section 341, 323, 354, 354-A, 376 and 511/34
of the Indian Penal Code.

Petitioner and co-accused Teni Kumar intruded into
the house of the informant and Teni Kumar caught hold her hand
while petitioner shoved her on ground, pressed her mouth and tore
her attire with intention to commit rape against her. Both the
accused persons managed to escape on arrival of informant's
brother in the house.

It is submitted by learned counsel for the petitioner



that the petitioner is quite innocent. No such occurrence as alleged took place. As a matter of fact, there was some altercation between the parties over fetching of water and due to this the petitioner has been falsely implicated in this case. In her further statement, the informant has simply stated that the petitioner shoved her on ground. She has not alleged that petitioner intended to commit rape against her. She has stated that her attire was torn during the course of assault. Though the F.I.R. has been lodged on 14.08.2017 but the same has been sent to the Court after inordinate delay i.e. on 22.08.2017, without assigning any plausible reason for said delay which creates serious doubt about prosecution case. Petitioner has no criminal antecedent and has been languishing in custody since 03.11.2017.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned 1st Additional Sessions Judge, Saran at Chapra in connection with POCSO Case No.04 of 2018, arising out of Manjhi P.S. Case No.168 of 2017.

(Prakash Chandra Jaiswal, J)

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