

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61939 of 2018

Arising Out of PS.Case No. -90 Year- 2018 Thana -SHAMBHUGANJ District- BANKA

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Gore Lal Manjhi son of Chunchun Manjhi resident of Village- Karanja, P.S.
Shambhuganj, District Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar

For the Opposite Party/s : Mr. Sri Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-10-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 342, 354B, 307, 506/34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case as per the written report of Kushma Devi, Sumanti Kumari, Puja Kumari submitted to Station House Officer, Shambhuganj P.S. is to the effect that on 05.05.2018 the minor daughter of Kushma Devi, Sumanti Kumari went outside to ease with the niece Puja Kumari when co-accused Jito Kumar on the pretext of marriage took the daughter of the informant to his house. This fact was



communicated by Puja Kumari to the informant then the informant went to the house of Jito Kumar and brought her daughter Sumanti back. It is further alleged that on the next day, i.e., 06.05.2018, when the informant was going to lodge the case to the police station then the nephew of the informant, Pramod Manjhi was assaulted by the co-accused Sadanand Manjhi when the informant started to rescue she was being assaulted by the petitioner, Gore Lal Manjhi

It is submitted by learned counsel for the petitioner that the thrust of accusation is against Jito Kumar, particularly, the accusation having committed the offence under POCSO Act. The accusation against the petitioner is of making assault to the informant but the impugned order passed by learned Sessions Judge after going through the case dairy reflects that there is no mention of injury report and there is no injury report available on the record. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is specific against the FIR in the First Information Report.

Considering the thrust of accusation against Jito Kumari coupled with the fact that the co-accused Karu Manjhi



and Dilip Manjhi have been granted anticipatory bail vide Cr. Misc. No. 52284 of 2018, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Banka in connection with Shambhuganj P.S. Case No. 90 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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