

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65963 of 2018

Arising Out of PS. Case No.-202 Year-2015 Thana- RAJGIR District- Nalanda

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Pintu Manjhi, S/o Full Babu Manjhi, resident of Village- Kujapi, P.S.-
Chandauti, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Hira Chaudhary, S/o Late Shyam Lal Chaudhary, R/o Rajgir Giriya Road,
Rajgir, P.S. Rajgir, District- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Vinod Kumar, Advocate
For the State	:	Mr. Akbar Ali, APP
For the informant	:	Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 14-03-2019 Heard learned counsel for the petitioner and learned

counsel appearing on behalf of the State. Learned counsel for

the informant is also present.

Petitioner is in custody since 13.07.2018 in

connection with Rajgir P.S. Case No.202 of 2015 registered for

the offence under Section 366(a) of the Indian Penal Code,

which is pending in the court of the learned C.J.M., Nalanda,

Biharsharif.

Learned counsel for the petitioner submits that the

matter has now been compromised and the informant has

appeared and has submitted that he is not willing to prosecute

the petitioner further in view of the fact that they are now living



together. Learned counsel for the petitioner further submits that the petitioner has been languishing in jail since long and as such, he may be extended the privilege of bail.

Learned counsel for the State has pointed out to certain paragraphs in bail petition itself in which it has been clearly stated that the petitioner had no role to play, but in the statement made by the victim girl in her deposition under Section 164 Cr.P.C., she has clearly stated that the petitioner had kidnapped her and fraudulently taken her away from her village to Gaya and thereafter to Mumbai where she was kept confined in a room for almost three months and thereafter, she was periodically forced to have sexual relation with him. On protest being made by her, the petitioner had also attacked her on several occasions. So far as the question of compromise between the parties is concerned, the victim girl has been found to be only 15 years of age and the provisions of the POCSO Act has also been attracted in this case. As such, the petitioner does not deserve the privilege of bail.

Having considered the entire facts and circumstances of the present case and that the victim girl in her statement under Section 164 Cr.P.C. has clearly stated that she wants to live with her parents and not with the present petitioner and the



question of compromise cannot be used in such situation to give relief to the petitioner, I am not inclined to grant bail to the petitioner. It is, accordingly, rejected.

(Anjana Mishra, J)

PNM/Rakesh

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