

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78087 of 2018

Arising Out of PS. Case No.-288 Year-2018 Thana- BAHADURPUR District- Patna

Manohar Jha S/o Diveshwar Jha, R/o Vill.- Arer, P.S.- Arer, District-Madhubani at present residing at in the house of Ashok Singh at Bachashpati Nagar, Patna (Address given in the F.I.R. as Success Chemistry Classes, Rampur Road in the side of house of Karnal K.D. Singh, P.S.- Bahadurpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv.

For the Opposite Party/s : Smt. Nirmala Kumari (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 08-01-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Special Case No. 202 of 2018 arising out of Bahadurpur P.S. Case No. 288 of 2018 registered for the offences punishable under Sections 452, 341, 342, 354(A) of the Indian Penal Code and Section 8 of POCSO Act.

Informant has alleged that she reside as a tenant along with her parents and after coming from washroom as she entered her room someone caught her from behind and on raising alarm she fled away but was apprehended by the people and handed over to the police.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. There is rivalry between



petitioner and father and brother of informant and earlier petitioner was brutally assaulted by father and brother of informant for which he had instituted a case being Bahadurpur P.S. Case No. 172 of 2018 dated 05.07.2018 and present case has been filed a counterblast of the said case. Petitioner has no criminal antecedent.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st -cum-Special Judge, POCSO, Patna, in connection with Special Case No. 202 of 2018 arising out of Bahadurpur P.S. Case No. 288 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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