

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22767 of 2020

Arising Out of PS. Case No.-32 Year-2019 Thana- MAHILA P.S. District- Siwan

Ramesh Manjhi S/o Awadhesh Manjhi Resident of Village- Alapur, P.S.-
Pachrukhi, Distt- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and
learned APP for the State.

Since the Court proceeding is not functional in
physical mode, the matter is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since
27.05.2019 in a case registered for the offences punishable
under Section 376 AB of the Indian Penal Code and Sections
4/6/8 of the Protection of Children from Sexual Offences Act,



hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of the informant 'X' (name changed) aged about 13 years submitted to the Station House Officer, Siwan Mahila Police Station, is to the effect that on 25.05.2019 the petitioner ravished her.

It is submitted by learned counsel for the petitioner that the victim during trial has not supported the prosecution case and retracted from the initial accusation and filed a petition to that effect also before the learned Court below, as contained in Annexure-3. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the accusation is specific against the petitioner and he is named in the FIR.

Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner in connection with POCSO Trial No. 144 of 2019, arising out of Siwan Mahila P.S. Case No. 32 of 2019, pending in the Court of learned Ist Additional Sessions Judge -cum- Special Judge, Siwan.

Accordingly, the prayer for bail of the petitioner is



rejected.

However, if the trial is not concluded within a period of four months, the petitioner will be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

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