

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87193 of 2019

Arising Out of PS. Case No.-318 Year-2019 Thana- PATAHI District- East Champaran

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RAMESH MANJHI, Son of Jagdish Manjhi @ Jagdish Majhi, Resident of
Village - Rangpur, Mushari Tolla, P.S.- Patahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

5 05-06-2020 The matter has been taken up through virtual Court proceeding.

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

The present application has been preferred with a prayer for grant of bail in a case registered for the offences punishable under Sections 376/511 of the Indian Penal Code, Section 4 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the ‘POCSO Act’) and Sections 37(b), 37(c) of the Bihar Prohibition and Excise Act,



2016, as amended by the Amendment Act 8 of 2018 (hereinafter referred to as the 'Act').

The prosecution case as per the written report of Munni Devi submitted before the Patahi Police Station is to the effect that on 10.10.2019 about 3.00 P.M., the daughter of the informant aged about 6 years went to the bamboo orchard. In the meantime, the petitioner made an attempt to ravish her. On alarm being raised, the petitioner was caught found in an inebriated condition.

It is submitted by learned counsel for the petitioner that on conclusion of investigation, the chargesheet has been submitted under Section 354B of the Indian Penal Code, Section 8 of the POCSO Act and Sections 37 (b), 37(c) of the Act. It is further submitted that the victim girl was not medically examined, hence, the offence under Section 354 of the I.P.C. and Section 8 of the POCSO Act can not made out. Moreover, Section 8 of the POCSO Act prescribes punishment for sexual assault. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. The petitioner is languishing in custody since 11.10.2019.

Learned APP for the State submits that the



accusation is specific against the petitioner.

Considering the fact that the accusation under Section 376, 311 of the I.P.C. has not been found true during investigation, statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, the petitioner is languishing in custody since 11.10.2019 and the investigation already being concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari, in connection with Patahi P.S. Case No.318 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional



bail, of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari, in connection with Patahi P.S. Case No.318 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

(Dinesh Kumar Singh, J)

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