

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19933 of 2021

Arising Out of PS. Case No.-99 Year-2020 Thana- KHAJAULI District- Madhubani

Manoj Kumar Sahani @ Manoj Sahni S/O Dhanik Lal Sahani Resident Of
Village Madna P.S. Khajauli, District Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Khajauli P.S. Case No. 99 of 2020 registered for the offence punishable under Sections 341, 323, 354 (B), 504, 34 of the Indian Penal Code and Section 8 of the POCSO Act 2012.

As per the prosecution case, petitioner is the tutor of her minor girl aged about 12 years and after some days with illicit motive the petitioner pressed hand of informant's daughter and



took kiss of her daughter's hand and one day attempted to commit rape against daughter of the informant.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that a scuffle was took place in between the informant who is mother of the victim girl and this petitioner regarding tuition fees and informant gave threatening to petitioner that she will drag him in false and concocted case. He submits that the alleged occurrence was took place on 10.06.2020 and F.I.R. was lodged on 16.06.2020 i.e. after a laps of five days and there is no any explanation of the said delay. Learned counsel for the petititoner further submits that under Section 8 of POCSO Act, sentence is of 3 years and under Section 354, the sentence is of 3 to 7 years. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and he is languishing in custody since 26.11.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and the fact that there is delay of five days in lodging of the F.I.R., the above named



petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Khajauli P.S. Case No. 99 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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