

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26379 of 2021

Arising Out of PS. Case No.-342 Year-2019 Thana- GORAUL District- Vaishali

Manish Kumar Son of Mithlesh Sah Resident of Village - Bishunpur Arara,
P.S.- Goraul, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Smt. Bela Singh
Mr. Rajeev Rajan

For the Opposite Party/s : Mr. Ramchandra Sahni A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-07-2021 At the outset, it is submitted by learned counsel for the petitioner that due to inadvertence, a typographical error has occurred in paragraph – 1 and prayer portion of the bail petition. In place of “Goraul P.S. case no. 342/2019”, it has wrongly been typed as Vaishali P.S. case no. 342/2019. Accordingly, it has been requested to make correction in paragraph – 1 and prayer portion of the bail petition.

Prayer is allowed. It may be corrected within a period of two weeks from today.

Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Goraul P.S. Case No. 342 of 2019, registered for the offence under Sections 386A, 376 of



the Indian Penal Code, Section 3/4 of the POCSO Act and Section 3(x) of SC/ST Act.

As per the prosecution case, the informant and brother of the petitioner namely Santosh Sah entered into friendship and thereafter, the brother of the petitioner established physical relation with the informant and subsequently, they married. However, the brother of the petitioner abandoned the informant and when the informant went to narrate her plight to the mother and brother of petitioner, it is alleged that they, including this petitioner, outraged and abused the informant by her caste name.

It is submitted on behalf of petitioner that petitioner has been made accused only due to the fact that he is brother of main accused Santosh Sah and the allegation levelled against the petitioner is false and fabricated. Though, the alleged occurrence has taken place between 18-24 April, 2019, but the complaint was filed on 09.08.2019 and thereafter, FIR was registered on 15.09.2019. It is further submitted that petitioner has neither enticed nor induced the victim (informant), but since he is brother of main accused, he has been implicated in this case. Petitioner has got clean antecedent and he is in custody since 30.01.2021.

Learned A.P.P. for the State has opposed the bail



petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Court POCSO-cum-Children Court-cum-A.D.J.-VI, Vaishali at Hajipur in connection with Goraul P.S. Case No. 342 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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