

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37151 of 2021

Arising Out of PS. Case No.-175 Year-2019 Thana- CHHAURADANO District- East
Champaran

Patiram Manjhi, Son Of Suresh Manjhi Resident Of Village- Murli, P.S.-
Chhauradano, District- East Champaran At Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar- Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2021 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Chhauradano P. S. Case No.175 of 2019, instituted for the
offences under Sections 341, 323, 354(B), 504, 506/ 34 of the
Indian Penal Code and Section 12 of the POCSO Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 26.03.2021, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

The learned counsel for the petitioner further submits
that from perusal of the allegation as alleged in the F.I.R., it
would manifest that the informant alleges that his daughter aged



about 14 years along with his wife were in the house when this petitioner and other co-accused along with arms entered in his house and caught the daughter of the informant and this petitioner tried to rape her by removing her clothes.

The learned counsel for the petitioner drawn the attention of this Court towards Annexure-2, where the statement of the victim is recorded under Section 164 of the Cr.P.C. From perusal of which, it would manifest that the victim disclosed her age as 18 years and has further stated that she has married this petitioner three years ago and thereafter, had come to Patna and her parents on false pretext asked her to come to the house and thereafter, they assaulted her and instituted this false case against the petitioner. Further, she intends to stay with the petitioner and also the name of her elder brother-in-law has also been being given in the present case along with the father-in-law. Further that whenever she put vermilion, she is assaulted by her parents.

Learned A.P.P. opposes the bail application, but not able to meet the submission regarding Annexure-2, that is the statement of the victim recorded under Section 164 of the Cr.P.C.

Considering the fact that the petitioner is in custody



since 26.03.2021, he is a person with clean antecedent and charge-sheet has been submitted in this case and the victim has not supported the prosecution case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Chhauradano P. S. Case No.175 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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