

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34012 of 2020

Arising Out of PS. Case No.-265 Year-2019 Thana- PUNPUN District- Patna

MITHLESH MANJHI Son of Late Raudi Manjhi Resident of Village -
Bairampur, P.S.- Punpun, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 12-03-2021 Heard learned counsel for the petitioner and learned APP for the State. Learned counsel for the petitioner hereby undertakes to remove all defects pointed out by the Stamp Reporter as and when required. It is accordingly directed that all defects pointed out by the Stamp Reporter be removed within one month hereof.

2. The petitioner is in custody since 06.10.2019 in connection with Punpun P.S. Case No. 265 of 2019 and Spl. Case No. 189 of 2019 for the alleged offences under Section 376/511 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

3. It is submitted that the petitioner has been falsely implicated and the circumstances in which the occurrence is alleged are highly improbable. There is considerable delay of about two weeks before the statement of the so-called victim girl has been recorded under Section 164 Cr.P.C., which raises further doubt about the veracity of the prosecution case. The petitioner has already suffered one year and five months in custody and claims clean antecedents.

4. Learned APP on the other hand opposes the bail



petition submitting that the eye-witness of the case, Madhuri Devi, has been examined by the police during investigation and she has supported the prosecution case. He also invites reference to the statement of the victim girl aged about 9 years recorded under Section 164 Cr.P.C. in which she has made specific accusation against the petitioner.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of bail to the petitioner. The bail petition stands dismissed.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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