

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39049 of 2020

Arising Out of PS. Case No.-168 Year-2019 Thana- DAWATH District- Rohtas

Manoj Kumar, Son of Vishwanath Yadav @ Bishwanath Yadav, Resident of
Village - Bithwan, P.S.- Dawath, Distt.- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Ajay Nandan Sahay, Advocate
For the Opposite Party/s :	Mr.Parmanand Kumar, A.P.P.
For the Informant :	Mr. Dineshwar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-02-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Parmanand Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with POCSO 97 of 2020 arising out of Dawath P.S. Case No. 168 of 2019 registered for the offences under Section 376, 313, 506/34 of the Indian Penal Code and Sections 4,6, 8 of the POCSO Act.

Learned counsel for the petitioner submits that the informant in her written report alleged that the petitioner established physical relationship with her giving allurement of



marriage, resulting she became pregnant but the same was got aborted by him. It is further alleged that informant was married to another person but the petitioner visited her matrimonial home and committed sexual torture upon her by giving threat.

Learned counsel submits that the informant is a married lady whose marriage was performed in the year 2018. It is further stated that the informant in her statement under Section 164 Cr. P.C. has stated that if Manoj (petitioner) will marry me then she has no objection. It is further stated that in the medical examination age of the informant has been assessed between 18-19 years.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. Learned counsel submits that the allegation against the petitioner is very serious as the petitioner committed sexual assault upon the informant even after her marriage.

Having regard to the facts and circumstances of the case, the seriousness of allegations and the materials on the record particularly the statement of the victim, this Court is not inclined to grant regular bail to the petitioner. His prayer is, thus, refused.

Let the trial be expedited.



It is expected that the trial court shall proceed with the trial without granting unnecessary adjournment and keeping in view the scheme of the Prevention of Children from the Sexual Offences Act. Prosecution must cooperate in course of trial.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

