

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3544 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- BANIAPUR District- Saran

Vikash Kumar @ Vikash Kumar Manjhi Son of Premchand Manjhi Resident
of Village- Badauli, P.S.- Baniapur, District- Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satyendra Kumar Singh
		Mr. Hari Shankar Roy
For the Opposite Party/s :		Mr.Shailendraa Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 10-08-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard the learned counsel for the petitioner and
learned APP for the State.

The petitioner apprehends his arrest for the offences
alleged under Sections 376, 366(A)/34 of the Indian Penal Code
and Sections 4, 6, 8 of PACSO Act read with Section 67 I.T.
Act, registered in connection with Baniyapur P.S. Case No.
96/2021.

The learned counsel for the petitioner has submitted
that though the prosecutrix has stated in the FIR that accused
persons including the petitioner committed rape upon her after
kidnapping her, but the FIR was lodged after 5 days of the
occurrence on 2nd April 2021. The statement of the victim was
recorded under Section 164 of the Cr.P.C. on 13th August, 2021



in which she denied the allegation of rape. She has stated that none had committed rape upon her. Only they dropped her in the house of *Phua*.

Considering the fact that the prosecutrix did not support her version of rape in her statement under Section 164 of the Cr.P.C., let the petitioner above-named, in the event of his arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) within two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO Saran (Chapra) in connection with Baniyapur P.S. Case No. 96 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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