

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12871 of 2022

Arising Out of PS. Case No.-290 Year-2020 Thana- PIRBAHOR District- Patna

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Bhola Manjhi @ Sujeet Kumar @ Bhola Kumar, Son of Late Vinay Manjhi @
Ram Vinay Manjhi, Resident of Village - Bhawar Pokhar, Jhopar patti, P.s.-
Pirbahore, Distt. and Town, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Urmila Devi, W/o Shri Samindra Manjhi, Resident of Village - Bhawar
Pokhar, Tola- Mushari, P.s.- Pirbahore, Distt.- and Town - Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Krishna, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-08-2022 Heard learned senior counsel for the petitioner and

learned APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Special (POCSO) Case No. 146 of 2020 arising
out of Pirbahore P.S. Case No. 290 of 2020 registered for the
alleged offences under Sections 448, 354, 354(B), 323, 504 and
506/34 of the Indian Penal Code and Section 8 of POCSO Act.

As per prosecution case, the petitioner entered into the
house of the informant in the early morning and started



molesting the minor daughter of the informant. When she shout for help, the petitioner assaulted the daughter of the informant and ran away from there.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. For an occurrence of 02.08.2020, the FIR has been registered on 04.08.2020 and there is no plausible explanation for the same. Learned counsel further submits that, in fact, there was love-affair between the petitioner and the daughter of the informant and he has placed on record certain photographs, which show the daughter of the informant in quite jovial mood with the petitioner. The daughter of the informant is not minor and she got married in the month of December, 2020. No medical examination was done to ascertain her age or assault on her. The informant has wrongly stated her age to be 16 years only to make the case serious. Moreover, there would be no application of Section 8 of the POCSO Act as none of the ingredients of the said section are present in this case. There is a counter case, which was filed by the mother of the petitioner against the informant and her family members vide Pirbahore P.S. Case No. 409 of 2020. In fact, it was the petitioner, who was assaulted by the family members of the informant and he received injury on



his head and he was also hospitalized on the same day when the alleged occurrence has taken place. The learned counsel further submits that charge-sheet has been submitted in this case and the petitioner is in custody since 24.09.2021.

Learned APP opposes the prayer for bail submitting that there is direct allegation against this petitioner for trespassing into the house of informant and sexually assaulting the daughter of the informant.

Having regard to the submissions made hereinabove and considering the fact of the case and counter case and receiving of injuries by the petitioner and absence of medical report of the victim and further considering the fact of love-affair between the petitioner and the daughter of informant false implication cannot be ruled out and also considering the submission of charge-sheet and the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Patna in connection with Special (POCSO) Case No. 146 of 2020 arising out of Pirbahore P.S. Case No. 290 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and



the following conditions:

- (i) One of the bailors will be the person who has sworn the affidavit on behalf of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

Rajnish/-

(Arun Kumar Jha, J)

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