

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12914 of 2022

Arising Out of PS. Case No.-515 Year-2021 Thana- WAJIRGANJ District- Gaya

Arjun Manjhi Son of Late Pancham Manjhi, Resident of Village - Koba, P.S.-
Wazirganj, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19659 of 2022

Arising Out of PS. Case No.-515 Year-2021 Thana- WAJIRGANJ District- Gaya

Bhuneshwar Manjhi Son of Late Karu Manjhi, Resident of Village - Kobwa
Math, P.S.- Wazirganj, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12914 of 2022)

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

(In CRIMINAL MISCELLANEOUS No. 19659 of 2022)

For the Petitioner/s : Mr. Anjani Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-12-2022 Since both the applications arise out of Wajirganj P.S.

Case No. 515 of 2021, as such, they have been taken up together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

Let the defect (s), if any, as pointed out by the office,



be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Wazirganj P.S. Case No. 515 of 2021 registered for the alleged offences under Section 363/34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution case, the petitioners forcibly took away the ten years old minor daughter of the informant in a field and further allegation against the petitioners is that they committed rape with the daughter of the informant.

It has been submitted on behalf of petitioner Arjun Manjhi that the petitioner is innocent and has been falsely implicated in this case. None of the villagers saw the occurrence or the petitioners taking away the daughter of the informant. The informant has bitter relationship with the petitioner and she has concocted a false case. The informant pressurized her daughter and she has got recorded her statement under Section 164 of the Cr.P.C. and falsely implicated the petitioner. The petitioner is in custody since 22.01.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

It has been submitted on behalf of petitioner Bhuneshwar Manjhi that this petitioner is 76 years old and has been falsely implicated in this case by the informant who is a



political worker. She had contested election for Ward Member and the petitioner supported the candidature of her rival and for this reason he has been falsely implicated in this case. The medical report does not support any wrongful act on the part of the petitioner and no injury has been found on the private part of the victim. The age of the victim girl is nine years and the petitioner is like great grandfather of the victim, hence levelling of such allegation against the petitioner is shameful. The petitioner is in custody since 15.12.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioner, which is supported by the victim girl in her statements under Section 161 of the Cr.P.C. as well as under Section 164 of the Cr.P.C. before the learned Judicial Magistrate. Learned APP further submits that though medical report shows that there was no recent sign of sexual intercourse, rape cannot be denied. So, it cannot be said that the victim was not sexually assaulted.

Perused the record.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioners which appears to be



very grave and serious, I am not inclined to grant bail to the petitioners. Hence, their prayer for bail is rejected.

However, the learned trial court is directed to expedite the trial and conclude the same within the period mandated under the provisions of POCSO Act.

(Arun Kumar Jha, J)

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