

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32403 of 2021**

Arising Out of PS. Case No.-81 Year-2020 Thana- GURARU District- Gaya

MANTU KUMAR SON OF LATE SUNIL KUMAR @ SUNIL PRASAD  
R/O VILLAGE- DEOKALI, P.S.- GURARU, DISTRICT- GAYA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Saket Gupta  
For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

3      03-01-2022                      Heard learned counsel for the petitioner and learned  
counsel for the State.

Petitioner seeks bail in connection with Guraru P.S.  
Case no. 81 of 2020 registered for the offence punishable under  
sections 147, 149, 323, 341, 307, 504, 506, 376 and 511 of the  
Indian Penal Code read with sections 8/ 12 of the POCSO Act  
and sections 3(1)(r)(s)(w)(i) read with section 13(2)(v) of  
SC/ST Act.

Learned counsel for the petitioner submits that from  
perusal of the allegation as alleged in the FIR, it would manifest  
that the informant (minor) alleges that she was in the field when  
petitioner seeing her alone fondled with her breast and  
attempted to commit rape but on her shouting brother of the  
informant came and accused was caught. Thereafter, it is alleged



that nearly 50 accused persons came from the side of the petitioner and assaulted three named persons in the FIR. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that this petitioner tried to commit rape but became unsuccessful, thereafter 50 persons from the side of the petitioner came and assaulted the brother and other named persons in the FIR. Learned counsel submits that occurrence took place on 7.8.2020 and FIR was instituted on 8.8.2020 when police station was very close to the place of occurrence and FIR was sent to the court on 10.8.2020. Learned counsel submits that there is no explanation for the delay in instituting the FIR and further FIR was also sent after two days of its institution. Learned counsel further submits that mother of the petitioner instituted Guraru P.S. Case no. 82 of 2020 against the informant and other persons of the present case and Guraru P.S. Case no. 83 of 2020 was instituted by SI Jitendra Kumar against the present informant and others. Learned counsel submits that there was dispute with regard to tilling of land as a result of which there was fight between two sides and thus, after hatching conspiracy and plan, present case came to be instituted by minor where she alleged that attempt to commit rape was made.



Learned APP opposes the prayer for bail.

Considering the facts that petitioner is in jail custody since 14.1.2021, is person with clean antecedent and charge sheet has been submitted, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, POCSO Act, Gaya in Guraru P.S. Case no. 81 of 2020.

**(Satyavrat Verma, J)**

s.hassan/-

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