

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23790 of 2022

Arising Out of PS. Case No.-324 Year-2021 Thana- MANJHI District- Saran

MANU MIYA @ SHEKH MANU Son of Mansur Miya Resident of Village -
Katokhar, P.S.- Manjhi, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-08-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Manjhi P.S. Case No. 324 of 2021 registered for the offence under Sections 363, 366(A) and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 21.09.2021.

The allegation against the petitioner is to kidnapping the minor daughter of the informant for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner submitted that victim completely denied the allegation of kidnapping or any sexual assault/abuse against this petitioner through her statement recorded under Section 164 of the Cr.P.C. It is also submitted that



victim specifically stated that she went on her own will to the house of her “*Mausi*” and at no point of time she was with petitioner. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that victim denied the allegation of kidnapping or sexual assault against this petitioner through her statement recorded under Section 164 of the Cr.P.C.

Considering the facts and circumstances as mentioned above, as victim denied the allegation of kidnapping and also of sexual assault/abuse through her statement recorded under Section 164 of the Cr.P.C. against this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Manjhi P.S. Case No. 324 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Saran at Chapra/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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