

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29632 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- BAIRIYA District- West Champaran

1. Mukesh Kumar @ Mukesh Manjhi, Son of Dasai Manjhi
2. Chandrawati Devi @ Chanrawati Devi, Wife of Dasai Manjhi

Both are Residents of Village - Bagahi Musahari Tola, Ward No. 13, Police Station- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Brij Kishor Mishra, Advocate
For the State	:	Mr.Mithlesh Kumar Khare, APP
For the informant	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

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 petitioners seek bail in connection with Bairiya P.S. Case No.198 of 2021, registered for the alleged offence under Section 366 (A) of the Indian Penal Code and Section 12 of POCSO Act.

As per the prosecution case, the minor daughter of the informant was kidnapped on 21.09.2021 by the petitioner no.1 for the purpose of solemnizing marriage. The petitioner no.2 and



other co-accused persons assured the informant that his daughter would return by 23.09.2021, but on 23.09.2021, she was not returned by the petitioners and other co-accused persons and they threatened the informant.

The learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The victim girl was major at the time of alleged occurrence and she recorded her statement under Section 164 Cr.P.C. wherein she has stated her age as 19 years and further stated that she herself went with the petitioner and solemnized marriage with him. Her father has wrongly given her date of birth as 01.01.2005 in the school register for obtaining the school leaving certificate of class VIII. The petitioner no.2 is not involved in any manner in the whole occurrence. The petitioners are in custody since 22.01.2022 and are having clean antecedents. The charge sheet has been submitted in this case.

Learned APP as well as learned counsel for the informant opposes the prayer for bail submitting the informant was minor at the time of occurrence.

Having regard to the facts and circumstances and submissions made hereinabove and considering the statement of



the victim girl before the learned Magistrate under Section 164 Cr.P.C. wherein she has stated that she herself went away from her house and was not kidnapped and has also stated about her marriage with the petitioner no.1 and further considering the period of custody of the petitioners and submission of charge sheet, the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-7-cum-Special Judge (POCSO), Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 198 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioners.
- (ii) The petitioners 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 petitioners will be liable to be cancelled



by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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