

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30627 of 2022

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

1. DASAI MANJHI S/o- Late jagarnath Manjhi Resident of Village- Bagahi Musahari Tola, Ward No.13, P.S.- Bairiya, District- West Champaran.
2. Sukesh Kumar @ Sukesh Manjhi S/o Dasai Manjhi Resident of Village- Bagahi Musahari Tola, Ward No.13, P.S.- Bairiya, District- West Champaran.
3. Suganti Devi @ Sugandhi Devi W/o Sukat Manjhi Resident of Village- Bagahi Musahari Tola, Ward No.13, P.S.- Bairiya, District- West Champaran.
4. Jokhu Manjhi S/o Late Shivnath Manjhi Resident of Village- Bagahi Musahari Tola, Ward No.13, P.S.- Bairiya, District- West Champaran.
5. Ranjeet Kumar S/o Jokhu Manjhi Resident of Village- Bagahi Musahari Tola, Ward No.13, P.S.- Bairiya, District- West Champaran.
6. Rambha Devi W/o- Prem Manjhi Resident of Village- Bagahi Musahari Tola, Ward No.13, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra
For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2022 Heard both sides.

The petitioners apprehend their arrest in connection with Bairiya P.S. Case No.198 of 2021, registered for the offence punishable under Section 366(A) of the Indian Penal Code as well as Section 12 of the POCSO Act.

Co-accused, Mukesh Kumar is said to have kidnapped the minor daughter of the informant. When the informant went to the house of Mukesh Kumar to inquire about her daughter,



the petitioners replied that we will not return your daughter back. It is alleged that co-accused, Mukesh Kumar has kept the daughter of the informant in his aunt's house.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that the allegation against the petitioners are general and omnibus. The occurrence took place on 21.09.2021, but the FIR was lodged on 01.10.2021 after delay of nine days without giving any explanation which creates serious doubt about the prosecution case. It is submitted that the age of the victim girl is 19 years, which is clear from her Aadhar Card (Annexure-4). It is further submitted that the statement of the victim girl was recorded under Section 164 Cr.P.C. in which she disclosed her age as 19 years and denied her kidnapping in the manner as alleged in the FIR. It is also submitted that the victim girl has already solemnized marriage with co-accused, Mukesh Kumar.

The learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Considering the facts aforesaid, let petitioners, above



named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-7th-cum-Special Judge (POCSO), Bettiah, West Champaran in connection with Bairiya P.S. Case No.198 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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