

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43530 of 2021**

Arising Out of PS. Case No.-18 Year-2021 Thana- SAHODARA District- West Champaran

Anil Manjhi Son of Jai Kishun Manjhi Resident of Village - Shahpur  
Parsauni, P.S. - Inarwa, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. A.G.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

6      26-09-2022                      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 Sahodara  
P.S. Case No. 18 of 2021 registered for the offence under  
Section 376 of the Indian Penal Code and under Sections 08 and  
18 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 05.03.2021.

The allegation against this petitioner is to commit rape  
upon the minor daughter of the informant.

Learned counsel appearing on behalf of the petitioner  
submitted that petitioner permanently resides with his father-in-



law, having no son, in the background thereof, present false case has been lodged to grab the share of property of this petitioner. It is also submitted that medical report negating the allegation of rape, as no external or internal injuries were found upon the victim. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that the victim, specifically, alleged against this petitioner, in her statement recorded under Section 164 of the Cr.P.C., as to commit rape/penetrating sexual assault upon her. It is further submitted that non-finding of injuries does not lead to conclusion, *ipso facto*, that rape was not committed upon, as rape is a legal finding, not a medical one.

Considering the facts and circumstances as mentioned above, as victim, specifically, alleged this petitioner to commit rape/penetrating sexual assault upon her, this Court is not inclined to grant bail to this petitioner, at present.

Accordingly, prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to proceed with the



matter, if required, by taking it on board, on daily basis, so as trial may conclude within specified time as prescribed under Section 35(2) of the POCSO Act, 2012.

Superintendent of Police, West Champaran is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court/Special Court, for expeditious disposal of trial, within specified time, as provided under law, mentioned above.

**(Chandra Shekhar Jha, J)**

pooja/-

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