

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56715 of 2021**

Arising Out of PS. Case No.-298 Year-2020 Thana- KHARHAGPUR District- Munger

Manish Sah @ Manish Kumar, Son of Gopal Sah, R/O Village- Shampur,
P.S.- Haweli Kharagpur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate
For the Opposite Party/s : Mrs. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Haweli Kharagpur P.S. Case No. 298 of 2020 for the offences punishable under Sections 341, 323, 366A, 504 and 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case as alleged in the F.I.R. is that the daughter of the informant was enticed and taken away by the accused persons including this petitioner Manish Sah @ Manish Kumar. It is alleged that the age of the daughter of the informant



was 14 years at the time of alleged occurrence. It is further alleged that when she approached the accused persons they abused and threatened with dire consequences.

It is submitted on behalf of learned counsel for the petitioner that the petitioner has absolutely clean antecedent and after recovery of the victim girl she was produced before the court below where her age has been assessed by the Medical Board between 18-19 years and further statement of the victim has also been recorded under Section 164 of the Cr.P.C. In support of the aforesaid submission, the victim also filed an application before the court below that she has not been kidnapped and she on her sweet will left her house with the petitioner and the petitioner has been falsely implicated in this case and in fact no such occurrence has taken place. Learned counsel for the petitioner next submits that the trial is going on and the victim has already been deposed before the court below and she has not supported the prosecution case. It is next submitted that the informant of this case has also become hostile. Copies of which have been produced before this Court and the same have been kept on record.

On the other hand, learned APP for the State submits that as per the education certificates, the age of the victim is 16 years and as such opposes the bail application.



Having taking into consideration the submissions made on behalf of the learned counsel for the petitioner and the materials available on record especially the deposition of the victim girl and her statement under Section 164 of the Cr.P.C. recorded by the court below, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI-cum-Exclusive Special Court (POCSO Act), Munger in connection with Haweli Kharagpur P.S. Case No. 298 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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