

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8285 of 2021

Arising Out of PS. Case No.-320 Year-2019 Thana- CHAPRA MUFFASIL District- Saran

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AKHILESH KUMAR MANJHI, Male, age about 28 years, Son of Hotilal Manjhi, Resident of Village- Lohri, P.S.- Muffasil, District- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party : Mr. Uday Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-01-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection with Sessions Trial No. 656/2019, arising out of Chapra



Muffasil P.S. Case No. 320/2019, for the offence registered under Sections 376/511, 292(A), 509 and 506 of the I.P.C.

The prosecution case, in brief, is that on 15.08.2019 at about 12 O' clock, in the night, co-accused Sanjay Manjhi and this petitioner entered into the house of the informant and tried to commit rape upon her. On hulla, the parents of the informant came and saved her from the clutches of accused Sanjay Manjhi.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case due to local politics. There is no allegation of tampering with the witnesses alleged against the petitioner. The allegation is in respect of making attempt to commit rape upon the informant. In respect of other co-accused, trial has already been proceeded and all the prosecution witnesses including the parents of the informant, have been declared hostile. They have not supported the prosecution case. From perusal of the order of the learned Ist Additional Sessions Judge, Saran at Chapra, it appears that an application has been filed in the present case by the informant where she has retracted from her earlier statement made in the F.I.R.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of the learned Ist Additional Sessions Judge, Saran at Chapra, in connection with Sessions Trial No. 656/2019, arising out of Chapra Muffasil P.S. Case No. 320 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight



weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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