

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62857 of 2021

Arising Out of PS. Case No.-21 Year-2019 Thana- MAHILA P.S. District- Siwan

Vikky Kumar Manjhi @ Vicky Kumar S/o Birbal Manjhi @ Birbal Prasad Singh @ Birbal Singh Resident of Village - Manjhagarh, P.S. - Manjhagarh, District - Gopalganj, At present Residing at Village - Ainthapali, P.S. - Ainthapali, District - Sambalpur, Orissa.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

For the Informant : Mr. Ajay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2022 Heard learned counsel for the petitioner and learned counsel for the Informant as well as learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Section 376 of the Indian Penal Code and Section 4, 6 and 8 of the POCSO Act.

According to prosecution case, one Shila Devi gave a written statement before the S.H.O., Siwan Mahila police station on 08.04.2019 stating therein that a relative uncle namely Vikky



Kumar Manjhi committed rape upon the minor daughter Shweta Kumar aged about 12 years on the fear of the weapons about four months. On her disclosure the mother of the victim in the meantime Vikky Kumar Manjhi gave a medicine to the victim for abortion and fled away.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the allegation against the petitioner that he has committed rape upon the daughter of the informant and the statement of the victim under Section 164 Cr.P.C. also supports the allegation as alleged in the F.I.R. He further submits that the medial report of the victim does not corroborate the allegation and the age of the victim is assessed to be 18-19 years. He further submits that in view of the medical report POCSO Act is not attracted against the petitioner. He further submits that it has come during the investigation in para 8, 9 and 10 of the case diary that due to some other reasons the informant has falsely implicated the petitioner in the present case. The petitioner is in custody since 17.09.2021.

The learned counsel for the Informant and learned A.P.P. has vehemently opposed the prayer for bail of the



petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Mahila P.S. Case No. 21 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

