

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.831 of 2022

Arising Out of PS. Case No.-122 Year-2018 Thana- MASAUDHI District- Patna

AJAY MANJHI Son of Sanjay Manjhi Resident of Village- Bahuara, P.S.-
Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Kishore Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-08-2022 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 Masaurhi
P.S. Case No. 122 of 2018 registered for the offence under
Sections 363 of the Indian Penal Code and later on added
Sections 366(A), 373, 373, 376, 323 and 34 of the Indian Penal
Code and Sections 4, 8 and 12 of POCSO Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 10.08.2021.

The allegation against the petitioner is to involve in
selling of minor daughter of the informant, where, victim
forcefully married by one of the co-accused, subsequently raped



by two co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and his name surfaced from statement of victim recorded under Section 164 of the Cr.P.C. with a limited and marginal allegation as to receive a cash of Rs. 60,000/- (Rs. Sixty Thousand Only) along with two accused persons, which appears to be based upon suspicion. It is also submitted that from bare perusal of FIR and statement of victim recorded under Section 164 of the Cr.P.C. allegation of rape is not against this petitioner, and where allegation of selling is very much specific against co-accused, namely, Devanti Devi. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as statement of victim recorded under Section 164 of the Cr.P.C. is not speaking regarding rape and kidnapping against this petitioner coupled with the fact that charge-sheet has



already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Masaurhi P.S. Case No. 122 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-7th-cum-Exclusive Special Court (POCSO Act), Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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