

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1758 of 2022

Arising Out of PS. Case No.-44 Year-2018 Thana- NIMCHAKBATHANI District- Gaya

VIJAY MANJHI Son of Sohrai Manjhi Resident of Village- Shanti Nagar,
Police Station- Khizer Sarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 31-08-2022 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
Neemchak P.S. Case No. 44 of 2018 registered for the offence
under Sections 366A of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.07.2021.

The allegation against the petitioner is to kidnapping
the minor daughter of the informant along with other co-accused
persons for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner
submitted that allegation as regard to kidnapping is very much



general and omnibus against this petitioner. It has further been submitted that similarly situated co-accused persons have already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 48822 of 2021 dated 06.08.2019. It is also submitted that there is no allegation as regard to sexual assault/abuse against this petitioner, as per statement of victim recorded under Section 164 of the Cr.P.C. 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 for the State, opposes the prayer for bail of the petitioner and fairly conceded the fact that allegation is very general and omnibus against this petitioner.

Considering the facts and circumstances as mentioned above, as allegation as regard to kidnapping is very much general and omnibus against this petitioner having no allegation of sexual assault/abuse 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 Neemchak P.S. Case No. 44 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 A.C.J.M. 10th,
Gaya/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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