

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18068 of 2023

In
CRIMINAL APPEAL (SJ) No.1136 of 2022

Arising Out of PS. Case No.-440 Year-2021 Thana- JOGAPATTI District- West Champaran

RAVI MUKHIYA S/o Late Basdeo Mukhiya R/o Village- Sonbarsa Nanhkar,
P.S.- Yogapatti, Distt- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pahwari Manjhi S/o Late Chanar Manjhi R/o Village- Sonbarsa Nanhkar,
P.S.- Yogapatti, Distt- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kishun Prasad, Advocate
For the Opposite Party/s : Mrs. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 17-08-2023 Heard the parties.

The petitioner is an accused in connection with Yogapatti P.S. Case No. 440 of 2021 registered for the offences under sections 363, 366A and 34 of the Indian Penal Code and section 12 of the POCSO Act and section 3(1)(r) of the SC/ST Act lodged on 10.10.2021 by the informant, Pahwari Manjhi.

As per the prosecution story, the informant alleged that his minor daughter had went to attend the call of nature but was taken by the petitioner for wrong purposes duly aided and abetted by other accused persons. Accordingly, the FIR.

Learned Counsel for the petitioner submits that the girl had left the place on her own and no allegation was made by



her against the petitioner.

In this case, the co-ordinate bench had called for case diary on 11.08.2022 which has since been received.

Learned APP for the State has taken this Court to the section 164 of the Cr.P.C. statement of the victim girl in which she has narrated that she had went to her '*mausi*' house in which the petitioner helped her in reaching the said place. After three days, she returned her home only to know that an FIR has been lodged.

Taking into account the aforesaid facts as also the statement of the victim girl under section 164 of the Cr.P.C., this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Special Judge POCSO cum A.D.J. VIth, West Champaran, Bettiah in connection with Yogapatti P.S. Case No. 440 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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