

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29488 of 2023

Arising Out of PS. Case No.-707 Year-2022 Thana- BARACHATTI District- Gaya

PAPPU KUMAR MANJHI @ PAPPU MANJHI Son of Late Kuleshwar
Manjhi Resident of village - Piprahi, P.S. - Barachatti, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
01.11.2022 in connection with POCSO Case No.111/2022, arising
out of Barachatti P.S. Case No.707/2022, dated 12.08.2022, for the
offences punishable under Sections 363, 366A, 120(B) of the IPC
& Sections 8 of POCSO Act.

3. According to prosecution case, when the daughter of
the informant was at home, five named accused persons are
alleged to have abducted the minor daughter of the informant and
took her in a scorpio vehicle which was being driven by one Seraj
Khan.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been implicated



in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. In fact, the victim was in love with co-accused namely Arvind Manjhi and as per statement of the victim recorded under Section 164 Cr.P.C., she has categorically stated that co-accused Arvind Manjhi has committed rape upon her. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 01.11.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the victim was recovered and her statement under Section 164 of the Cr.P.C. was recorded in which she has categorically stated that the petitioner has committed rape upon her but fairly submits that the victim has not stated anything about the petitioner in her statement recorded under Section 161 of the Cr.P.C. and the medical report also supports the allegation as alleged in the F.I.R. as well as 164 Cr.P.C. statement of the victim.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned Exclusive Special Judge POCSO-cum- Additional Sessions Judge-VII, Gaya in connection with POCSO Case No.111/2022, arising out of Barachatti P.S. Case No.707/2022, 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)

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