

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32379 of 2023

Arising Out of PS. Case No.-241 Year-2022 Thana- ATRI District- Gaya

KARU MANJHI Son of Birju Manjhi R/O village - Khiri, P.S.- Atri, Distt.-
Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijeshwar Narayan Singh, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

22 12-07-2023 Heard the parties.

The petitioner is in custody in connection with Atri P.S. Gaya Case No. 241 of 2022 for the offence under Sections 363, 365 and 366A of the Indian Penal Code and Section 8 of POCSO Act lodged on 13.06.2022 by the informant, Anar Devi.

The prosecution case, in brief, is that the victim daughter of the informant aged 14 years escaped from the house on 13/6/2022 at 4 PM. It has been further alleged that Karu Majhi, Birju Manjhi, Jagdish Manjhi, Kishori Manjhi, Raghubir Manjhi, Dharambir Manjhi kidnapped the victim daughter of the informant, who is minor.

It has been contended by the learned counsel for the petitioner that a bare perusal of the learned Sessions Judge order would show that the victim in her statement under section 164



Cr.P.C has said that she left the place out of her own sweet will without informing the parents, who lodged the case.

The further statement of her is that the petitioner did not commit any rape on her and the age of the victim as per the medical examination report has been ascertained to be 18-19 years.

Learned APP opposes the prayer but concede that what has been incorporated in the order of the learned Sessions Judge shows that the girl herself has denied the allegation.

Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner as also the age of the victim which has been ascertained as 18-19 years and she has not alleged anything against the petitioner, is in custody since 02.07.2022 (as stated in paragraph 11 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Court of Exclusive Special Court, POCSO cum Addl. Sessions Judge, VII, Gaya, in connection with Atri P.S. Gaya Case No. 241 of 2022 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/her 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 the 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 his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Kiran/Neha/-

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