

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36251 of 2023

Arising Out of PS. Case No.-540 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champanan

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SANTOSH MANJHI S/O LATE JANKI MANJHI R/O Village. Madhubani
Ghat, PS. Muffasil, Dist. East Champanan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate
For the Opposite Party/s :		Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-09-2023 Heard the parties.

2. The petitioner is an accused in connection with Muffasil P.S. Case No. 540 of 2022 registered for the offences under sections 363, 366A and 34 of the Indian Penal Code and section 8 of the POCSO Act lodged on 21.07.2022 by the informant, Dharmendra Manjhi.

3. As per the prosecution story, the allegation is that the accused took away the minor sister of the informant when she had gone to attend the nature's call. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that the girl went missing on 14.07.2022 whereas the FIR was lodged on 21.07.2022. Subsequently, the victim girl returned and made statement under section 164 of the Cr.P.C.



5. In this case, a co-ordinate bench had called for the case diary and statement under 164 of the Cr.P.C. on 24.06.2023, which have since been received.

6. Learned APP for the State has taken this Court to the statement made by her under section 164 of the Cr.P.C. in which she has stated that she has married this petitioner in the temple and wants to live with him.

7. He however, submits that the girl was minor at the time of occurrence.

8. Taking into account the submissions put forward by the parties, the statement of the victim girl under section 164 of the Cr.P.C., the petitioner is a young boy of 19 years, charge sheet submitted, charges framed as per the report of the Trial Court and is in custody since 21.10.2022 (as stated in paragraph 14 of the bail application), this Court is inclined to extend him privilege of bail.

9. 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 6th Additional Sessions Judge cum Special Judge, POCSO, Motihari, East Champaran in connection with Muffasil P.S. Case No. 540 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 *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.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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