

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36037 of 2023

Arising Out of PS. Case No.-96 Year-2022 Thana- RAXAUL District- East Champaran

Mannu Hawari son of Muslim Hawari @ Muslim Miyan Village- Akderwa
ward no-7, Ps- Raxaul (Haraiya) Eist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Raxaul
(Haraiya O.P.) P.S. Case No.96 of 2022 registered for the
offence under Sections 366 A, 120 B and 34 of the Indian Penal
Code and Section 8 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.04.2023.

The allegation against the petitioner is to kidnap the
minor niece of informant aged about 13 years for the purpose of
illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner
submitted that as the love affair of the petitioner and niece of
informant was not accepted by her parents the present false case



was lodged and this fact is apparent from the statement of victim as recorded under Section 164 of the Cr.P.C., where she clearly stated that she on her own went with the petitioner and further stated that she acquainted with petitioner since last two years and denied allegation of kidnapping and sexual assault. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the fact as victim negated allegation of kidnapping and sexual assault against the petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.04.2023, accordingly petitioner, above named, is directed to be released on bail in connection with Raxaul (Haraiya O.P.) P.S. Case No.96 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, POCSO,



Motihari, East Champaran/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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