

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56459 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- GOH District- Aurangabad

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MANOJ SAW@ MANOJ KUMAR SON OF SHYAMNARAYAN SAW
RESIDENT OF VILLAGE- JAJAPUR, PS- GOH, DIST- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Goh P.S. Case No. 48 of 2023 registered under Sections 366(A) of the Indian Penal Code lodged on 01.02.2023 by the informant, Menka Devi.

As per the prosecution story, the allegation is that the informant's minor daughter went missing after going out to attend the nature's call. As they failed to locate her, the FIR.

It is the case of the petitioner that the occurrence took place on 14.01.2023 but the informant sat over the matter for the reasons unknown and it was only on 01.02.2023 that he chose to lodge the FIR. Further the girl returned and though under the influence of the parents, she named him as an abductor, no



allegation of rape has been made against him. The fact remains that they were in love with each other but as the parents lodged the FIR, have made to suffer.

Learned APP for the State opposes the prayer for bail stating that the minor girl after returned has named him as an abductor.

Taking into account the submissions put forward by the parties, the fact remains that though the minor has named him as an abductor, there is delay of 18 days in lodging the FIR, although she has not alleged any rape against him, he is in custody since 21.04.2023 (as stated in paragraph-24 of the petition, and do not have criminal antecedent, this Court is inclined to grant him privilege of bail but only after the framing of the charge.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge, VIth cum Exclusive Special Judge, POCSO Act, Aurangabad in connection with Goh P.S. Case No. 48 of 2023, 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) 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;

(v) 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.

(Rajiv Roy, J)

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