

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54389 of 2022

Arising Out of PS. Case No.-178 Year-2021 Thana- JHANJHARPUR District- Madhubani

Md Mannan @ Md Mannan Mansuri Son of Shadat Mansuri Resident of
Village- Kanhauli, Ward no.1, P.S- Jhanjharpur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 15-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Manoj Kumar Jha, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Jhanjharpur P.S. Case No. 178 of 2021,
registered for the offences punishable under Sections 341, 323,
324, 376, 504, 506, 420/34 of the Indian Penal Code and
Section 4 of the Protection of Children from Sexual Offences
Act, 2012.

As per the FIR, it is briefly stated that the petitioner,
who happens to be neighbour of the informant, on the pretext of
marriage has been committing rape upon her and gave assurance



that he will solemnize marriage as per Muslim rites and rituals. It is further alleged that in the evening of 19.07.2021 the petitioner forcibly took her daughter to an orchard and committed illicit work with her and when the daughter of the informant protested, she was assaulted with fist and slap, and on *hulla* when the informant came there she was also threaten.

Learned counsel appearing on behalf of the petitioner submits that from the FIR, it is evident that both the petitioner and the victim were known to each other and in fact it was a case of love affair, however, when the petitioner refused to marry, the present case has been instituted by the making all this allegation, as this fact also fortified from the medical examination report of the victim girl, where no medical evidence of sexual assault found at the time of examination of the victim. He further submits that from the FIR, it appears that the occurrence took place on 19.07.2021, but the same has been instituted on 24.07.2021 after a delay of five days and no explanation has been assigned. He further drawn the attention of this Court to the contradiction made in the statement of the victim recorded under Sections 161 and 164 of the Cr.P.C. He lastly submits that the petitioner having fair antecedent, is in custody since 23.04.2022.



On the other hand learned APP for the State vehemently opposes the bail application and submits that there is specific allegation against the petitioner that he forcibly took away the minor daughter of the informant and committed rape upon her.

Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the contradictions found in the statement of the victim recorded under Sections 161 and 164 of the Cr.P.C., coupled with the medical examination report, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO Court, Madhubani, in connection with Jhanjharpur P.S. Case No. 178 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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