

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56855 of 2022**

Arising Out of PS. Case No.-17 Year-2021 Thana- MAHILA P.S. District- Siwan

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MOHAN MANJHI @ MOHAN KUMAR MANJHI Son of Kauleshwar  
Manjhi Resident of Village - Salempur, P.S.- Siwan Muffasil/ Dhanauti O.P.,  
District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Irshad Ahmad Khan, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      16-05-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
22.08.2022 in connection with Mahila P.S. Case No.17/2021,  
F.I.R. dated 17.03.2021, for the offences punishable under  
Sections 376 (D.A.) of the IPC & Section 3/4 of POCSO Act.

According to prosecution case, the petitioner along  
with the co-accused, namely, Rohit Manjhi are alleged to have  
committed rape upon the informant on the point of arms.

Learned counsel for the petitioner submits that the  
petitioner has clean antecedent and he has falsely been  
implicated in the present case. He further submits that the  
allegation as alleged in the FIR is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. He further submits that the real fact of the matter is that the victim was in love with her brother-in-law, namely, Chandrama Manjhi, the husband of the sister of the victim and the sister of the victim, namely, Rekha Devi has filed an F.I.R. bearing Siwan Muffasil P.S. Case No. 08/2021 under Section 498A, 494, 406, 420, 504, 506 and 34 of the Indian Penal Code on 04.01.2021. Thereafter, the present false and fabricated case has been instituted on 17.03.2021. He further submits that during investigation, none of the prosecution witnesses, even the father, sister, close relatives have not supported the case of prosecution and it has also found during investigation that due to some matrimonial dispute with one Chandrama Manjhi, who is brother-in-law of the informant, the present false and fabricated case has been filed. He further submits that the main accused person, namely, Sohan Manjhi has been granted bail by the court below vide order dated 08.07.2021 (Annexure-3) and the case of this petitioner is on better footing. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.08.2022.

Learned Additional Public Prosecutor for the State on



the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO, Siwan in connection with Mahila P.S. Case No. 17/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of  
verification.

**(Rajesh Kumar Verma, J)**

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