

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61933 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- BYPASS District- Patna

Manish Kumar Son Of Rohan Das @ Mahendra Das, Resident Of Village -
Bairiya, P.S.- Sampatchak, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-02-2023 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No. 101 of 2022 arising out of BY-pass P.S. Case
No. 34 of 2022 lodged under Section 376 of the I.P.C. and
Sections 8 and 12 of POCSO Act.

As per the prosecution, the informant has alleged that
in the name of marriage, the petitioner has tried to rape with her
thereafter the informant came to Patna Junction with accused
and went to Chandauli Railway Station, Uttar Pradesh. He
alleged to leave the informant at that station from where police
has handed over the informant to the Child Welfare Committee,



Chandauli, from where she came to Patna with her family. Thereafter, the case has been filed on 24.01.2022 before the police.

Learned counsel for the petitioner submits that the entire case is false and concocted and file with an ulterior motive. Counsel further submits that even for sake of argument it is said to be true, then the family of the informant become well aware about the entire event on 29.12.2010 but the case has been filed only on 24.01.2022 i.e. after lapse of about 27 days. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 30.03.2022. He further submits that upon filing of this criminal case, the family of the petitioner has taken advise from different counsels narrating the entire story and realising that petitioner was intentionally made accused, filed a Complaint Case bearing No. 1402 (C) of 2022, which is Annexure-2 explaining the entire truth.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to



the satisfaction of learned Additional Sessions Judge-VII-Cum-Exclusive Special Court (POCSO Act), Patna in connection with Special Case No. 101 of 2022 arising out of By-pass P.S. Case No. 34 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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