

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61880 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- KANGLI District- West Champaran

Manoj Rai Son Of Saroj Rai @ Chanda Rai Resident Of Village - Nichuta,
Police Station - Pathraiya, District - Parsa (NEPAL), At Present Resident Of
Village - Kathiya-Mathiya Pokhariya, Police Station - Kangali, District - West
Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP
For the Informant	:	Mr. Umesh Kumar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
04.07.2023 in connection with Kangali P.S. Case No. 45 of
2023, F.I.R. dated 03.07.2023 for the offences punishable under
Sections 341, 323, 354(D), 376, 511/34 of the Indian Penal
Code and Sections 8 and 12 of the POCSO Act.

3. According to prosecution case, this petitioner along
with other accused persons tried to commit wrong with the
daughter of the informant.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the police after investigation submitted the charge sheet on 31.07.2023 under Sections 341, 323, 354, 3549D), 511/34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act against the petitioner and the prosecution has not find any case made out under Sections 376 and 511 of the Indian Penal Code. The petitioner is in custody since 04.07.2023.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of Cr.P.C. in which she has categorically stated that the petitioner was trying to commit rape upon her.

6. 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 Additional Sessions Judge VI cum Special Judge POCSO, Bettiah, District-



West Champaran in connection with Kangali P.S. Case No. 45
of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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