

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68055 of 2022

Arising Out of PS. Case No.-707 Year-2022 Thana- BARACHATTI District- Gaya

Dinesh Manjhi @ Dinesh Kumar Manjhi Son of Ramprit Manjhi R/v- Piprahi,
P.S.- Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7593 of 2023

Arising Out of PS. Case No.-707 Year-2022 Thana- BARACHATTI District- Gaya

Arvind Kumar @ Arvind Kumar Manjhi Son of Sri Indradev Manjhi Resident
of village - Piprahi, P.S.- Barachatti, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68055 of 2022)

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

(In CRIMINAL MISCELLANEOUS No. 7593 of 2023)

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioners seek bail where petitioner no.1, namely,



Dinesh Manjhi @ Dinesh Kumar is in custody since 24.08.2022 and petitioner no.2, namely, Arvind Kumar @ Arvind Kumar Manjhi is in custody since 25.08.2022 in connection with Barachatti P.S. Case No. 707 of 2022, F.I.R. dated 12.08.2022 for the offences punishable under Sections 363, 366A and 120B of the Indian Penal Code and Section 8 of POCSO Act.

According to prosecution case, the petitioners kidnapped the daughter of the informant and committed rape with her. It is also stated that earlier also they had kidnapped the daughter of the informant.

Learned counsel for the petitioners submits that petitioner no.1, namely, Dinesh Manjhi @ Dinesh Kumar carries 1 criminal antecedent and petitioner no.2, namely, Arvind Kumar @ Arvind Kumar Manjhi has clean antecedent and they have 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 petitioners have not committed any offences as alleged in the F.I.R.

The learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioners and submits that the victim was recovered and her statement was



recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioners have committed rape upon her and the medical report of the victim also supports the allegation as alleged in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioners on bail in connection with Barachatti P.S. Case No. 707 of 2022 pending in the court of learned Exclusive Special Judge, POCSO-cum- Additional Sessions Judge- VII, Gaya.

Prayer is refused.

(Rajesh Kumar Verma, J)

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