

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65321 of 2022**

Arising Out of PS. Case No.-406 Year-2022 Thana- RAHUI District- Nalanda

RAM BALI MANJHI Son of Late Prasadi Manjhi Resident of village -
Indwas, P.S.- Rahui, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Singh, Advocate

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

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

3 28-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
27.07.2022 in connection with Rahui P.S. Case No. 406 of
2022, F.I.R. dated 26.07.2022 registered for the offence
punishable under Sections 147,148,149,341,323,324,354,307 of
IPC and Section 8 of POCSO Act.

Allegation against the petitioner is that he assaulted to
the informant with Tangi causing injury on his cheek.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent and he has falsely been
implicated in the present case. Further submits that from bare
perusal of the FIR it transpired that no case is made out against
the petitioner under the POCSO Act rather the POCSO Act is



attracted against co-accused Kanhaiya Kumar and the allegation as alleged in the FIR is false and fabricated. The medical report of the victim does not support the allegation as alleged in the FIR and the medical report produced by the informant by private Doctor which was conducted after two months of the occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 27.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, 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 learned Additional Sessions Judge-VII-cum-Special Judge, POCSO, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 406 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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