

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74378 of 2023

Arising Out of PS. Case No.-441 Year-2023 Thana- BELAGANJ District- Gaya

Bindu Manjhi, Son Of Late Lakshman Manjhi, R/O Village- Dariyapur, P.S.-
Belaganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Belaganj P.S. Case No. 441 of 2023 registered for the alleged offences under Sections 354B, 323/34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. As per prosecution case, the petitioner entered into the house of the informant with wrong intention and tried to take away the minor daughter of the informant in a room. When the daughter of the informant raised alarm, the petitioner came out of the house of the informant and thereafter wife, sister and sister-in-law of the petitioner assaulted the daughter of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Petitioner never entered into the house of the informant and did not catch her daughter but due to ill motive, the petitioner has been falsely implicated in this case. There is no eye-witness to the occurrence and all the witnesses are hearsay. Petitioner did not try to escape and he was present in his house from where the police arrested him on the same day of the occurrence. There is no material against the petitioner and due to previous dispute arising out of wages of MANREGA, this false and concocted case was lodged by the informant against the petitioner. There is contradiction in the statement of victim girl recorded under Section 161 Cr.P.C. and under Section 164 Cr.P.C. Ultimately the informant realized her mistake and filed a joint compromise petition dated 01.08.2023 in the Court of Special Judge, POCSO-cum, A.D.J., VIth, Gaya. From the facts and circumstances of the case, no offence under Section 354(B) of IPC is made out against the petitioner. Petitioner is in custody since 10.07.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner was entered into the house of the informant with ill motive.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the non-serious nature of allegation against the petitioner and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum-A.D.J.-VIth, Gaya/ court concerned in connection with Belaganj P.S. Case No. 441 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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