

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73163 of 2022

Arising Out of PS. Case No.-315 Year-2022 Thana- CHANDI District- Nalanda

Jalandhar Manjhi Son of Jamun Manjhi R/V- Bahadurpur, P.S- Chandi, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 26.08.2022, in connection with Chandi P.S. Case No. 315 of 2022/POCSO Case No. 98 of 2022, F.I.R. dated 17.08.2022 registered for the offences punishable under Sections 341, 323, 354B/34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

As per prosecution case, in brief, is that on 13.08.2022 at about 4:00 P.M. informant's daughter went from the house on natural call and the petitioner along with three other persons named in the F.I.R. belonged from Bahadurpur caught the daughter of the informant and stuffing cloth in her mouth and the accused persons tried for wrong but any how her



daughter fled away.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 was not involved in the crime in question. He further submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that one co-accused person caught her hand and another co-accused person caught her hair and except the aforesaid the accused persons have not committed anything else, and police after investigation submitted chargesheet against the petitioner.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII cum Special Judge, POCSO, Bihar Sharif, Nalanda in connection with Chandi P.S. Case No. 315 of 2022/ POCSO Case No. 98 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 antecedents, 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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