

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75195 of 2022

Arising Out of PS. Case No.-378 Year-2021 Thana- MUFFASIL District- West Champaran

MUKESH MANJHI S/O LATE INDRASHAN MANJHI Resident of village-
Barwat Pasrain, Kharshal No- 02, Ward No-13, P.S.- Bettiah Muffasil,
District- West Champaran,

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Adv.

For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bettiah Muffasil P.S. Case No. 378 of 2021 dated 13.06.2021
registered for the offence under Sections 341, 323, 504,
363/34 of the Indian Penal Code and Section 8 of the POCSO
Act.

The informant is subjected to abuse and assault at
the instance of family members of the petitioner when he
asked about where about of his minor daughter who is
allegedly abducted by the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been



implicated in this case. He further submits that the allegation, as alleged in the F.I.R, is false and fabricated as no such occurrence has taken place. He further submits that during course of investigation, the victim was recovered and her statement was recorded under Section 164 Cr.P.C. in which she has categorically stated that she was having love affairs with the petitioner and she has not stated anything about the sexual assault or any overt act committed by the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 29.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more cases other than the present one.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 Special Judge, POCSO -cum- A.D.J.- VI, West Champaran Bettiah in connection with Muffasil P.S. Case No. 378 of 2021 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 canceled 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.

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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