

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4652 of 2024

Arising Out of PS. Case No.-862 Year-2023 Thana- MAJHAULIA District- West Champaran

Mantu Kumar S/O Sri Sukhi Sah Village- Bharawaliya, P.O.- Karamava,
Ward No. 10, Ps.Manjhaulia, Dist. West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Sunita Devi W/O Sri Manoj Paswan Resident Of Karmawa, Ward No. 09, Ps. Manjhaulia, Dist. West Champaran, Bettiah.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
For the Opposite Party/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Kundan Rathore, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-03-2024 Heard Mr. Krishna Prasad Singh, learned senior counsel for the petitioner, Mr. Kundan Rathore, learned counsel appearing on behalf of the informant as well as Mr. Sadanand Paswan, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Manjhaulia P.S. Case No. 862 of 2023, F.I.R. dated 05.10.2023 for the offences punishable under Sections 457, 341, 376, 511, 380, 504 and 506/34 of the Indian Penal Code, Section 8/12 of the POCSO Act and Sections 3(1) (r) (s) (2) (v) of SC/ST Act.

3. According to prosecution case, all the accused persons including the petitioner have entered into the house of



the informant and started stealing goods and also outraged the modesty of the daughter of the informant and fled away. It is further stated that when the informant asked to return the goods from the accused persons then they have abused and assaulted him and gave threatening to kill him.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has 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 petitioner has not committed any offences as alleged in the F.I.R. He further submits that the date of occurrence as alleged in the F.I.R is 30.09.2023 but the present F.I.R was instituted on 05.10.2023 i.e. after delay of 5 days without giving any explanation of the said delay. He further submits that no case is made out under Section 376 of the Indian Penal Code and the Dy.S.P after investigation submitted a report and filed a charge sheet under Section 354B of the Indian Penal Code in place of Section 376 of the Indian Penal Code.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submit that the statement of the victim was recorded in which



she has supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the police has found that no case is made out under Section 376 of the Indian Penal Code, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Special Judge POCSO-cum-Additional Sessions Judge VI, West Champaran, Bettiah in connection with Manjhaulia P.S. Case No. 862 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.



iii. 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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