

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6193 of 2024

Arising Out of PS. Case No.-617 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

Manohar Kumar @ Manohar S/O RAJDEO THAKUR RESIDENT OF
GORDWA, PS. MUFFASIL MOTIHARI, DIST. EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 16-04-2024 Heard Mr. Dharendra Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 617 of 2023 for the offence under Sections 363, 366(A) and 34 of the I.P.C. and Section 8 of the POCSO Act lodged on 26.08.2023 by the informant, Sabir Mansuri.

3. As per the prosecution story, the informant is father of the victim girl and alleged that he had seen the accused persons at 7:00 am near his house talking to his daughter. Later, he went out to purchase some articles and upon return found the girl missing as also the cash and the ornaments. Believing that she had been kidnapped, the FIR.

4. Learned counsel for the petitioner submits that the girl was in relationship with Sachin and they had gone on their own, upon return, she made statement under Section 164 of the



Cr.P.C., in which, she dragged him as associate of Sachin. However, there is no allegation of either outraging her modesty or any sexual assault assigned to him. He is a student, 19 years of age, no criminal antecedent and only because he is friendly with Sachin, has been implicated in the present case.

5. Learned APP opposes the prayer stating that in the 164 Cr.P.C. statement she has named this petitioner which has come in the Sessions Court order.

6. Though there is allegation of taking away the girl, the fact remains that in the 164 Cr.P.C statement, she has mainly made allegation against Sachin with whom she was in love as also Raju. Save and except the presence of this petitioner, no further role has been assigned, he is a student, having no criminal antecedent and putting him in jail with the criminals may ruin his future, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge POCSO Act, East Champara, Motihari in



connection with Muffasil P.S. Case No. 617 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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