

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6889 of 2024

Arising Out of PS. Case No.-343 Year-2021 Thana- NAANPUR District- Sitamarhi

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Sujay Manjhi @ Sujay Kumar Son of Arjun Manjhi, Resident of Ward No.9,
Village- Bahera Zahidpur, P.S.-Nanpur, Distt.- Sitamarhi, Bihar, Pin Code-
843333.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2024 Heard Mr. Raghvendra Kumar, the learned counsel

for the petitioner and Mr. Shyam Bihari Singh, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Nanpur PS Case No. 343 of 2021, FIR dated
07.11.2021, registered for the offences punishable under
Sections 363 and 366(A) read with Section 34 of the Indian
Penal Code and under Section 8 of POCSO Act.

3. According to prosecution case, the petitioner
kidnapped the daughter of the informant and ran away.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case and the allegations against him
are false and fabricated and he has not committed any offence as

alleged in the FIR. He further submits that the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. in which she has not supported the case of the prosecution and she has clearly stated that no one has abducted her and she went to her aunt's house and the co-accused persons namely, Arjun Manjhi and Chandrakala Devi have been granted bail by a co-ordinate Bench of this Court vide order dated 11.10.2023 passed in Cr. Misc. No. 60895 of 2023.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and the statement of the victim recorded under Section 164 of the Cr. P.C. does not support the prosecution case and also the fact that similarly situated co-accused persons have been granted bail, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Additional Sessions Judge-VI, Sitamarhi, where the case is pending in connection with **Nanpur PS Case No. 343 of**

2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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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