

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15247 of 2024

Arising Out of PS. Case No.-226 Year-2023 Thana- BARGAINIA District- Sitamarhi

SHIVNATH MANJHI, SON OF CHANDESHWAR MANJHI, RESIDENT
OF VILLAGE - PAKARI KOTHI, MUSHAHARI TOLA, P.S. - SUPPI,
DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bairgania P.S. Case no. 226 of 2023 registered under sections 366A, 363 and 34 of the Indian Penal Code and section 8 of the POCSO Act.

3. As per the prosecution case, the informant states that his 16 year old minor daughter was kidnapped by Kallu Mahto and others with the assistance of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. Contrary to the allegations, he has no role to play in the alleged occurrence. Even as per contents of the FIR, the main allegation is against Kallu Mahto. As per instructions received, the daughter of the informant has returned and her statement was recorded under



section 164 of the Cr.P.C. wherein she has not made any allegations against this petitioner. He is in custody since 25.9.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and having perused the material on record including the statement of victim recorded under section 164 of the Cr.P.C, it transpires that she has disclosed her age therein to be 18 years and has stated that she went with the boy on her own. She has not named the petitioner therein. In view of the facts and circumstances of the case, the petitioner having remained in custody for over 7 months since 25.9.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Bairgania P.S. Case no. 226 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI, Sitamarhi.

(Partha Sarthy, J)

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