

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16094 of 2024

Arising Out of PS. Case No.-210 Year-2023 Thana- PAKRIDAYAL District- East Champaran

Sanjay Manjhi Sadhu, aged about 30 years, Gender-Male, S/o Late Sheonath Manjhi, R/o Village- Mathwa, P.S.- Pakaridayal, District- East Champaran at Motihari.

... .. Petitioner

Versus

1. The State of Bihar.
2. Lalmuni Devi, W/O Fekan Paswan, R/O Village-Hathiol, Ward No. 8, P.S. Pakaridaya, District-East Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Karandeep Kumar, Advocate
For the O.P. No. 2	:	None.
For the Opposite Party/s	:	Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State. None appears on behalf of the opposite party no. 2 despite service of notice received by her.

2. The petitioner seeks bail in connection with Pakaridayal P.S. Case No. 210 of 2023 dated 05.10.2023 registered for the offences punishable under Sections 363, 365, 366A and 376/34 of the I.P.C. Later on, Sections 6/8 of the POCSO Act were also added.

3. As per the prosecution case, the petitioner and the co-accused are alleged to have kidnapped the informant's minor daughter on a motorcycle.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there was love affair between the petitioner and the victim and the victim and her mother wanted to get the victim's marriage solemnized with the petitioner but on refusal made by the petitioner, the present false case has been lodged against the petitioner to make pressure on the petitioner for performing marriage with the victim. The informant is not an eye witness to the alleged offence rather the statement of the victim recorded under Section 164 of the Cr.P.C. is exaggerated version of the prosecution. It is further submitted that the age of the victim ascertained by the Medical Board is 17 to 18 years which is deemed to be a major, hence, no Sections 6/8 of the POCSO Act is attracted in the present case. The occurrence took place on 01.10.2023 but the F.I.R. has been lodged on 05.10.2023 and the delay in lodging the F.I.R. has not been explained by the prosecution. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 06.10.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. Learned A.P.P. for the State has further submitted that the victim in her statement recorded under Section 164 of the Cr.P.C. has clearly stated that



on 01.10.2023, when the victim was going to call of nature at about 4.00 A.M., towards *Sareha* where the petitioner and the co-accused forcibly kidnapped her and the petitioner took her to his maternal uncle (Mama)’ house at *Lothargawa* where she was kept for two days and the petitioner did illegal act with her. The victim had no knowledge about the said illegal act because she was unconscious but in the next morning, her maternal-aunt (Mami) of the petitioner has told her that she was raped. Her clothes were also torn and blood was also found on her cloth. Her hymen was torn. The victim is a minor girl.

6. Considering the aforesaid facts and circumstances as well as the seriousness of the allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Pakaridayal P.S. Case No. 210 of 2023, pending in the court of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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