

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23976 of 2024

Arising Out of PS. Case No.-285 Year-2023 Thana- RIVILGANJ District- Saran

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Rajan Manjhi S/O Chotelal Manjhi R/O Village- Sengar Tola, Ward No. 20,
P.S- Rivilganj, Distt.- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. Petitioner seek bail in connection with Rivilganj

P.S. Case No. 285 of 2023 registered for the offences under

Sections 341, 323, 379, 354(B)/34 of the Indian Penal

Code and Section 8 of the POCSO Act.

3. The petitioner is named in the First Information

Report and is in custody since 26.01.2024.

4. Allegation against the petitioner is to sexually

assault the minor daughter of the informant aged about 17

years along with co-accused persons/family members, where

occurrence is alleged to be arises out of previous pending



litigation.

5. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner implicated falsely in the background of the land dispute as the husband of the informant filed Eviction Title Suit No. 04/2004 which was decreed in favour of the father of the petitioner, against which husband of the informant has filed Eviction Title Appeal No. 06/2010, which is pending before the learned A.D.J.-IX, Saran at Chapra. It is pointed out that the occurrence as per face of F.I.R. is arising out of previous pending litigation. It is submitted that maximum at the face of F.I.R., the allegation appearing of simple physical assault without having any sexual intent and, therefore, by lodging this case under Section 354(B) of the I.P.C. and POCSO Act is not *prima-facie* appearing justified. While concluding argument, learned counsel submitted that investigation of this case has already been completed.

6. The learned APP opposes the prayer of bail.

7. In view of aforesaid facts and circumstances as allegation *prima-facie* failed to suggest any sexual intent out



of physical assault as alleged through F.I.R., where petitioner is in custody since 26.01.2024, coupled with the charge-sheet has already been submitted, accordingly, above-named petitioner is directed to be released on bail in connection with Rivilganj P.S. Case No. 285/2023 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Saran at Chapra, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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