

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27715 of 2024

Arising Out of PS. Case No.-54 Year-2022 Thana- MAHILA PS District- Gaya

Ram Babu Manjhi, Son of Late Kam Manjhi, Resident of Village- Surya
Pokhar, Manpur, P.S.- Muffasil, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 29019 of 2024

Arising Out of PS. Case No.-54 Year-2022 Thana- MAHILA PS District- Gaya

Surya Manjhi, Son of Late Karu Manjhi, Resident of Village- Suryapokhar
Manpur, P.S.- Buniyadganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 38398 of 2024

Arising Out of PS. Case No.-54 Year-2022 Thana- MAHILA PS District- Gaya

Jitendra Manjhi, Son of Faryad Manjhi, Resident of Village - Suryapokhar,
P.S. - Mofasil, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Poonam Kumari, Daughter of Late Kishore Manjhi Resident of Village - Pali
Govindpur, P.S. - Atri, District - Gaya

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 27715 of 2024)
For the Petitioner/s : Mr. Syed Asgher Najmi, Adv.
Md. Shamshad Alam, Adv.
Mr. Alok Kumar, Adv.
For the Opposite Party/s : Md. Mushtaque Alam, APP
(In CRIMINAL MISCELLANEOUS No. 29019 of 2024)
For the Petitioner/s : Mr. Syed Asgher Najmi, Adv.
Md. Shamshad Alam, Adv.



Mr. Alok Kumar, Adv.
For the Opposite Party/s : Mr. Mohammad Sufyan, APP
(In CRIMINAL MISCELLANEOUS No. 38398 of 2024)
For the Petitioner/s : Md. Murad Ashraf, Adv.
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-07-2024 As these criminal miscellaneous petitions have arisen

out of same P.S. case, hence they are being decided together by

a common order.

2. Heard learned counsels for the petitioners and the
learned APPs for the State.

3. These matters have been placed before this Court
for consideration of the petitioners' bail prayer made under
Section 439 of Cr.P.C.

4. Petitioners seek regular bail in connection with
Mahila P.S. Case No. 54 of 2022 dated 05.07.2022 registered
for the offences punishable under Section 376(D) of the
Indian Penal Code.

5. Mr. Syed Asgher Najmi, learned counsel for the
petitioner Ram Babu Manjhi submits that the petitioner earlier
preferred Cr. Misc. No. 44255/2023 for the relief of regular
bail which was rejected by this Court and thereafter, the
petitioner has again come for the said relief mainly on the
ground of no evidence against him as the so-called victim did



not say anything specifically against this petitioner and also did not make any allegation against him before the trial court while deposing her evidence. The victim's deposition's copy has been filed as annexure-'3'. Learned counsel further submits that the petitioner has been languishing in jail since 30.01.2023 and all non-official witnesses including the victim have been examined in the trial of the petitioner.

6. Learned counsel further submits that the petitioner Surya Manjhi has got no criminal antecedent and has been languishing in jail since 01.05.2023 and in view of the evidence given by the so-called victim before the trial court and the statement being recorded by her before the Judicial Magistrate, no allegation appears against this petitioner and he has been falsely implicated in this case.

7. Mr. Murad Ashraf, learned counsel for the petitioner Jitendra Manjhi submits that the petitioner has got no criminal antecedent and has not committed any offence, the so-called victim has not levelled any allegation against this petitioner before the trial court as well the Judicial Magistrate while recording her evidence and statement and the petitioner has been languishing in jail since 20.12.2022.

8. Mr. Mushtaque Alam, Mr. Mohammad Sufyan and



Ms. Rita Verma, learned APPs appearing for the State in Cr. Misc. Nos. 27715/2024, 29019/2024 and 38398/2024 respectively, though opposed the bail prayers of all the petitioners but fairly accepted that the so-called victim went hostile before the trial court in respect of the allegations levelled by her against the petitioners in the FIR.

9. Heard both the sides and perused the order impugned, FIR, the victim's statement recorded under section 164 of Cr.P.C. and her evidence deposed before the trial court. The victim went hostile before the trial court, though she supported the allegation of rape made by her in the FIR but denied the role of the petitioners in the commission of the alleged crime in the cross-examination and even did not identify the petitioners and according to her, the accused persons were having their faces covered by towels but in the FIR she revealed the identity of all accused persons. The victim did not reveal the identity of the petitioners before the Judicial Magistrate while recording her statement under section 164 of Cr.P.C. Considering these facts and also coupled with the examination of all non-official witnesses in the trial of the petitioners, this Court is inclined to release the petitioners on bail. Accordingly, let the petitioners named-above be enlarged on bail on



furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Mahila P.S. Case No. 54 of 2022.

(Shailendra Singh, J)

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