

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26523 of 2024

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

Pankaj Manjhi @ Pankaj Kumar Manjhi, son of Chotelal Manjhi, resident of
Village-Sengar tola, Ward No.20, P.S.- Rivilganj, Dist- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

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

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Rivilganj P.S. Case No.285 of 2023 registered under Sections 341, 323, 379, 354-B read with 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

3. 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.



4. It is submitted that allegation *qua* petitioner appearing very much general and omnibus being family members of main co-accused, namely, Rajan Manjhi against whom the thrust of allegation *qua* sexual assault is available as per narration of FIR. It is further submitted by learned counsel that implication of petitioner is being the brother of co-accused Rajan Manjhi. It is also pointed out that in the background of land dispute, a title suit was pending between the parties as Title Suit No.4 of 2014, which now pending before learned A.D.J-IX, Saran at Chapra under appeal, where husband of informant being plaintiff loosed title suit before the trial court and out of said frustration, the present false case was lodged.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as allegation of sexual assault is not available against petitioner rather same is available against co-accused, namely, Rajan Manjhi, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below



within a period of four weeks, 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 Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Saran at Chapra in connection with Rivilganj P.S. Case No.285 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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