

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27346 of 2024

Arising Out of PS. Case No.-1158 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Deepak Manjhi Son of Gena Manjhi Village Mustafapur PS Ahiyapur Dist
Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Raj Kishor Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Ahiyapur P.S. Case No. 1158/2023 dated 13.09.2023 registered for the offence punishable u/s 341, 323, 354B, 376 and 511 read with 34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have attempted to commit rape on the informant's minor daughter who is mentally challenged.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case on account of village politics. Learned counsel has



submitted that the prosecution story stands falsified that in the premises of temple where several persons generally are found sitting and doing *pujapath* etc., it is impossible to commit such type of offence. It is further submitted that the victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution story but as per the F.I.R the statement of the informant is that her daughter is mentally challenged then how she can give her statement u/s 164 of the Cr.P.C. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 13.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution story and disclosed the name of the petitioner that he has opened her clothes and tried to rape her.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1158/2023, with the condition:-



(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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