

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39410 of 2024

Arising Out of PS. Case No.-135 Year-2024 Thana- BAIRIYA District- West Champaran

Manjur Alam @ Manjoor Alam Son of Late Vajir Alam @ Late Wajir Alam
R/O Village- Bagahi Kanu Tola, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nilendu Kumar Choudhary, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Sujeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 22-10-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the informant. Perused
the case diary.

2. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 135 of 2024 instituted for the offence under
Sections 354, 354A, 354B of the Indian Penal Code and
Sections 6 & 8 of the POCSO Act.

3. Prosecution case in brief is that thirteen year's old
daughter of the informant was lured by the petitioner, whereafter
she was subjected to misbehavior and when she raised alarm,
informant came at her rescue, but petitioner abused the
informant by taking his caste name.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 25-04-2024. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application, but the petitioner has been acquitted.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel submits that there is contradiction in the statements of the victim recorded under Section 161 of the Cr.P.C. and Section 164 of the Cr.P.C. It is submitted that parties are next door neighbours. It is next submitted that medical report also does not support the prosecution version. Learned counsel for the petitioner further submits that the petitioner has not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against him. The appellant has no intention to disgrace the image of the informant in public view. Charge sheet has been submitted in this case and charge is also framed on 30-09-2024.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to paragraph No. 24 of the case diary that victim has supported the prosecution case in her statement recorded under Section 164 of



the Cr.P.C.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge being framed, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bairiya P.S. Case No. 135 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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