

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42594 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- FATEHPUR District- Gaya

Lalan Manjhi S/O Ramashish Manjhi @Ramshish Bhuiyan R/O Village Hasra Tola, Gopalpur, P.S. Fatehpur, Distt-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Karina Kumari D/O Ram Jatan Manjhi R/O Village-Hasra Tola, Gopalpur, P.S.-Fatehpur, Distt-Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Senior Advocate Ms. Rabia Gulnaz, Advocate Ms. Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 24-10-2024 Heard Mr. N.K. Agrawal, learned Senior counsel for the petitioner, Mr. Choubey Jawahar, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in Fatehpur P.S. Case No. 117 of 2024, instituted for the offences punishable under Sections 376, 323, 504 of the Indian Penal Code and Section 4 of the POCSO Act.

3. The prosecution case, in short, is that, the petitioner committed rape upon the informant and fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there is inordinate delay of 1½ months in lodging the FIR. The petitioner and the informant have love affair with each other since two years. It is further submitted that according to the medical report, the age of the informant as determined by doctor is 19 years and allegation of committing rape is ruled out in that report. The petitioner is in custody since 04.03.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Fatehpur P.S. Case No. 117 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)

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