

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64758 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- GAYA RAIL P.S. District- Gaya

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1. Niraj Manjhi Son of Rajnath Manjhi Resident of Village- Vinay Nagar, P.S.- Guraru, Distt.- Gaya
 2. Gautam Manjhi Son of Jawahar Manjhi Resident of Village- Vinay Nagar, P.S.-Guraru, Distt.- Gaya

... .. Petitioners

Versus

1. The State of Bihar Bihar
2. Sanjeet Kumar Son of Ajay Prasad Resident of Village-Manpur Jawahar Nagar, Pampu Pay Near Railway Line Ward No. 47,P.S.- Buniyadganj,Distt.- Gaya

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Kamal Kumar Sinha
For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 17-12-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Gaya Rail R.P.F P.S. Case No. 112/2024 dated 04.06.2024 registered for the offence punishable u/s 376AB of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per the prosecution case, on 03.06.2024 the informant has gone to Gaya Railway station for his destination, Patna. He along with his wife and two children was on the



platform no. 2 in Gaya Railway Station. On 04.06.2024 at 2.30 A.M. when awoke, he did not find his daughter aged about 4 years, then he started searching for her. After searching for a considerable time, he informed the railway police who instantly checked the CCTV cameras where it was found that one unknown person had taken away his daughter on south side of the platform no. 2. The rail staff made a search for his daughter and ultimately she was found on the platform no. 7. where her private part was profusely bleeding. The informant has alleged that some unknown miscreants are alleged to have committed rape on the minor daughter of the informant.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the F.I.R. The name of the petitioners have sprung up in the confessional statement of the co-accused, Guddu Manjhi. The petitioners were not put on T.I. Parade. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 08.06.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners by submitting that during investigation with the help of CCTV and spy the photo



in the CCTV was matched, then Guddu Manjhi was arrested who confessed his guilt and disclosed the name of the petitioners in the crime alleged. As per the Medical Report, there is definite sign of penetrative sexual assault and the age of the victim is assessed as 3-4 years.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence against the petitioners, this Court is not inclined to grant bail to the petitioners and the same is rejected in connection with Gaya Rail R.P.F P.S. Case No. 112/2024 pending in the court of learned Add. Sessions Judge-VIth-cum-Special Judge of POCSO Act, Gaya.

7. Learned court below is directed to conclude the trial of the petitioners at the earliest.

(Chandra Prakash Singh, J)

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