

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71390 of 2023

Arising Out of PS. Case No.-349 Year-2023 Thana- MAJHAULIA District- West Champaran

Ramjivan Manjhi @ Ramjitan Manjhi Son Of Bhikham Manjhi Resident Of
Village - Bhanachak Ward No.15, P.S. - Manjhauliya, District - West
Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Jagdhara Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Majhauriya P.S. Case No.349 of 2023 lodged under Section 376
of the I.P.C. read with section 4 of the POCSO Act.

3. As per the prosecution case, the F.I.R. has been
lodged against the petitioner against whom there is allegation of
rape of the informant's daughter.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the petitioner is nonetheless, but own uncle of the alleged
victim.

5. Counsel further submits that everywhere in the
F.I.R., the allegation is made against the petitioner, but from the
case diary particularly, in paragraphs 5 and 6, the mother of the
victim has disclosed that the person who raped is one Jagjivan
Manjhi and the sister of the victim has also narrated her



statement under section 161 of the Cr.P.C. that rape has been committed by one Jagjivan Manjhi whereas the name of petitioner is Ramjivan Manjhi.

6. Counsel for the petitioner submits that petitioner is in custody since 28.06.2023 having clean antecedent.

7. Learned counsel for the State opposes the prayer for bail and submits that it transpires to him that Ramjivan Manjhi and Jagjivan Manjhi are one and the same person. There is a doubt that who has raped either Jagjivan Manjhi or Ramjivan Manjhi. Therefore, the benefit of doubt is in favour of the petitioner.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI, West Champaran, Bettiah in connection with Majhauilya P.S. Case No.349 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

Prakashmani/-

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