

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81471 of 2023

Arising Out of PS. Case No.-304 Year-2023 Thana- BARAULI District- Gopalganj

MANISH KUMAR MANJHI @ MANISH KUMAR @ MANISH S/O
AWADHESH MANJHI R/O VILLAGE- KAHALA, P.S- BARAULI,
DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Barauli P.S. Case No. 304 of 2023 dated 15.07.2023 instituted for the offence punishable under Sections 376 and 313/34 of the IPC.

3. As per prosecution case, the allegation against the petitioner is that he committed rape upon the informant on the promise of marriage due to which she got pregnant. It is further alleged that father of the petitioner, namely, Awdhesh Manjhi told her that if she would terminate her pregnancy, then he would get her married with his son (petitioner) and on such promise, she also got her pregnancy terminated.

4. Learned counsel for the petitioner submits that the



petitioner is a young boy aged about 21 years. It is submitted that the family of the victim girl wanted to solemnize marriage of the petitioner with the victim girl but due to her questionable character, the petitioner and his family members have objected and they flatly denied the proposal of marriage due to which the petitioner and his family members have been implicated in the present case. During course of investigation, no independent witness has come forward to support the case and only interested witnesses have supported the prosecution case. It is also submitted that, the victim, as per her allegation, was ousted from the house of the petitioner on 04.07.2023 but the matter has been reported on 15.07.2023 after eleven days of occurrence and there is no plausible explanation of such inordinate delay. It is also submitted that during course of investigation the police found the case untrue with regard to Section 313 IPC and there is no evidence on record to support the allegation of abortion. The victim girl has been examined under Section 164 of the CrPC wherein she has categorically stated that before 04.07.2023, there was physical relationship with the petitioner. The age of the victim was found to be 17 to 18 years by the doctor and there is no sign of sexual assault. Lastly, it has been submitted that petitioner has got no criminal antecedent.



5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Barauli P.S. Case No. 304 of 2023, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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