

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81239 of 2023

Arising Out of PS. Case No.-122 Year-2018 Thana- MASAUDHI District- Patna

Urmila Devi Wife Of Ajay Manjhi R/O Village- Bahuara, P.S. Naubatpur,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dulariya Kumari Daughter Of Satyadeo Manjhi Resident Of Village -
Charma Mushahri, P.S. - Masaurhi, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Nandan Pandit Mr. Brij Mohan Das, Adv.
For the State	:	Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 30-08-2024 Heard the parties.

2. The petitioner seeks bail in connection with Masaurhi P.S. Case No. 122 of 2018 registered for the offence under Sections 363 of the Indian Penal Code and later on added Sections 366(A), 373, 373, 376, 323 and 34 of the Indian Penal Code and Sections 4, 8/12 of POCSO Act.

3. The petitioner is not named in the F.I.R. and is in custody since 24.06.2022.

4. The allegation against the petitioner is to involve in selling of minor daughter of the informant, where, victim



forcefully married by one of the co-accused, subsequently raped by two co-accused persons.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and his name surfaced from statement of victim recorded under Section 164 of the Cr.P.C. with a limited and marginal allegation as to receive a cash of Rs. 60,000/- (Rs. Sixty Thousand Only) along with two accused persons, which appears to be based upon suspicion. It is also submitted that from bare perusal of FIR and statement of victim recorded under Section 164 of the Cr.P.C. allegation of rape is not against this petitioner, and where allegation of selling is very much specific against co-accused, namely, Devanti Devi. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

6. Mr. Anil Kr. Singh, learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is



not named in the FIR.

7. Considering the facts and circumstances as mentioned above, as statement of victim recorded under Section 164 of the Cr.P.C. is not speaking regarding rape and kidnapping against this petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Masaurhi P.S. Case No. 122 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO Act), Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

