

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1933 of 2024

Arising Out of PS. Case No.-707 Year-2022 Thana- BARACHATTI District- Gaya

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Dinesh Manjhi @ Dinesh Kumar Manjhii S/O Ramprit Manjhi Village-
Piprahi, Ps. Barachatti, Dist. Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-03-2024 Heard Mr. Aryan Singh, learned counsel for the

petitioner and Mr. Rajendra Prasad Nat, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.08.2022 in connection with POCSO Case No. 111 of 2022
arising out of Barachatti P.S. Case No. 707 of 2022, F.I.R. dated
12.08.2022 for the offences punishable under Sections 363,
366A and 120B of the Indian Penal Code and Section 8 of the
POCSO Act.

3. Earlier the bail application of the petitioner has
been rejected by this Hon'ble Court vide order dated 08.05.2023
passed in Cr. Misc. No. 68055 of 2022.

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



present case. He further submits that in the present case the victim has been examined as PW-4 and in her deposition she has not identified the petitioner and she has identified two persons namely, Pappu Manjhi and Arvind Kumar. He further submits that the said co-accused, namely, Pappu Kumar Manjhi has been granted bail by this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 29488 of 2022. The petitioner is in custody since 24.08.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R it appears that there is direct and specific allegation against the petitioner but fairly submits on the basis of the deposition of the PW-4 who is victim in the present case that she has not identified the petitioner and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special



Judge POCSO Act cum Additional District & Sessions Judge-
VII, Gaya in connection with POCSO Case No. 111 of 2022
arising out of Barachatti P.S. Case No. 707 of 2022, subject to
the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
- ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.
- iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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