

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31963 of 2025**

Arising Out of PS. Case No.-345 Year-2024 Thana- MOTIHARI TOWN District- East  
Champaran

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Jhakkar Das S/o Khedu Das R/o Village- Nawada, P.S.- Kotwa, District- East  
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manju Devi W/o Jaylal Sah R/o Village- Kolhu Aakha Near Ramana Pul,  
P.S.- Motihari Town, District- East Champaran

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**

ORAL ORDER

3      13-08-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with Town  
P.S. Case No. 345 of 2024 dated 19.06.2024 instituted for the  
offence punishable under Sections 363, 366A/34, 376D of the  
Indian Penal Code and Section 4 of the POCSO Act.

3. The prosecution case, in short, is that on the alleged  
date of occurrence, the informant along with her husband was at  
her Banana shop. Co-accused Naushad Alam with bad intention  
enticed away her minor daughter from her house but on seeing  
the people, he fled away leaving her daughter. Due to fear, her  
daughter entered in the house of the Munna Paswan. It is alleged



that co-accused Ranjan Paswan and Guddu Sah and two unknown persons got her daughter boarded in a tempo on the pretext that they would leave her in her house, but till lodging the F.I.R, there is no whereabouts of her daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that F.I.R. has been lodged against three named accused persons. The petitioner is not named in the F.I.R. The petitioner is the driver of the tempo. The co-accused persons and the victim were said to have boarded in the tempo of the petitioner. The petitioner has no concern with the aforesaid accused persons who were passenger of the said tempo. Lastly, it has been submitted that the petitioner is in custody since 05.11.2024 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. A supplementary has been filed annexing the depositions of the informant and the victim. The victim has been examined as P.W.-4 and she has not supported the case of the prosecution, rather, the victim in her evidence stated that no rape was committed with her. No such occurrence took place as alleged by the prosecution. The informant also adduced her evidence as P.W.-5, who also stated that the victim, in anger, left



the house of the informant and she was engaged in Beauty Parlour and was learning the course of Beautician.

6. Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 6<sup>th</sup> Additional Sessions Judge cum Special Judge POCSO Act, East Champaran, Motihari in connection with Town P.S. Case No. 345 of 2024, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is



made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

**(Khatim Reza, J)**

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