

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73796 of 2024

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

Arun Kumar @ Arun Manjhi @ Arun Kumar Manjhi son of Indradeo Manjhi
Village- Piprahi, Ps- Barachatti, Dist-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Champa Devi Wife of Vinod Yadav Village- Piprahi, Ps- Barachatti, Dist-Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, APP
For the Opposite Party/s : Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-02-2025 Heard Mr. Aryan Singh, learned counsel for the
petitioner and Mr. Anil Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 08.05.2024, in connection with Barachatti P.S. Case No. 707 of 2022, FIR dated 12.08.2022 registered for the offence under Sections 363, 366(A) and 120(B) of the Indian Penal Code and Section 8 of the POCSO Act but the learned Court below has taken cognizance against the petitioner under Section 366(A), 376(3) and 376-DA of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, all the accused persons have abducted the daughter of the informant and fled



away.

4. Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR, in fact, the victim was in love with the co-accused, namely, Arvind Kumar Manjhi. He further submits that from a bare perusal of the statement of the victim recorded under Section 164 Cr.P.C./under Section 183 of the B.N.S.S., 2023 which reveals that co-accused Arvind Kumar Manjhi committed rape upon her and she also stated that other co-accused persons including the petitioner have committed wrong with her. He further submits that other co-accused person, namely, Pappu Kumar Manjhi has been granted bail by this Court vide order dt. 26.07.2023 passed in Cr. Misc. No. 29488 of 2023, co-accused person, namely, Dinesh Manjhi has been granted bail by this Court vide order dt. 01.03.2024 passed in Cr. Misc. No. 1933 of 2024 and co-accused person, namely, Indradeo Manjhi has also been granted bail by a co-ordinate Bench of this Court vide order dt. 14.08.2024 passed in Cr. Misc. No. 56650 of 2024 and the case of the petitioner is on



same ground. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 08.05.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner has clean antecedent and other co-accused persons have already been granted bail by this Court and by the co-ordinate Bench of this Court, let the, above named, petitioner 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 learned Exclusive Special Judge POCSO-cum-Additional Sessions Judge-VII, Gaya in connection with Barachatti P.S. Case No. 707 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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