

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75927 of 2024

Arising Out of PS. Case No.-425 Year-2024 Thana- AMARPUR District- Banka

Saddam Mansoori S/O Kalim Mansoori Resident of village Naya tola
Dhimra, Police Station- Amarpur District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabita Suman W/o Tetar Rajak R/o Village- Chiraiya Panchayat Laxmipur,
P.S.-Amarpur, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md.Najmul Hodda, Adv.
For the Opposite Party/s	:	Ms. Renu Kumari, APP
For the O.P. No.	:	None

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 03-03-2025 Heard learned counsel for the petitioner and Ms. Renu Kumari, learned APP for the State. Inspite of valid service of notice upon the O.P. No.2, no one has appeared on her behalf. Perused the case diary.

2. The petitioner seeks bail in connection with Amarpur P.S. Case No. 425 of 2024 instituted for the offences under Sections 376(AB), 511 of the Indian Penal Code and Sections 4, 8 of the POCSO Act.

3. As per prosecution case, the accusation against the petitioner is of attempting to commit rape upon the Informant's minor daughter.

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



present case with false and frivolous allegations and due to dirty local politics. The petitioner has not committed any offence as alleged in the F.I.R. Learned counsel for the petitioner submits that the occurrence took place on 25.06.2024 at about 1:00 O'clock but, the matter has been reported to the police after a lapse of 26 hours that too without any plausible explanation for such delay which creates doubt in the prosecution case. The Informant is not the eye-witness to the alleged occurrence. The victim girl in her statement recorded under Section 164 of the Cr.P.C. has not supported the prosecution case. She has even not taken the name of the petitioner in her statement. The doctor has also not found any external injury upon the body of the victim and, thus, does not support the prosecution case. Charge-sheet has been submitted in this case. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.06.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim is a minor girl. The I.O. after completion of investigation has submitted the charge-sheet under Section 354(B) of the I.P.C. and Section 4/8 of the POCSO Act and,



hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amarpur P.S. Case No. 425 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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