

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.112 of 2025

Arising Out of PS. Case No.-454 Year-2024 Thana- BARACHATTI District- Gaya

Aashu Manjhi @ Aanshu Manjhi Son of Deodhari Manjhi Resident of Village
- Trilokapur, P.S. - Barachatti, District Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pooja Kumari Daughter of Raju Chaudhary Resident of Village - Kurmawa,
P.S. - Barachatti, District Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raju Kumar Singh, Advocate
For the State	:	Mr. Md. Fahimuddin, APP
For the Informant	:	Mr. Mithilesh Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-04-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioner seeks bail in connection with Barachatti P.S. Case No. 454 of 2024 registered on 05.10.2024 for the offences under Section 65(1) of the B.N.S and Section 4/6 of the POCSO Act.

3. As per prosecution case, petitioner took away the minor informant from her house and established sexual relationship with her. On next day, he took her to Sherghati Court on pretext of solemnizing marriage but fled away from there leaving behind the minor informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. FIR has been lodged after delay



of five days for which there is no explanation. Prosecution story is not believable that the petitioner took away the informant from her house to his house and committed rape with her as the family members of the petitioner stays in the same house. The petitioner is a married person and his children reside in the same house. Learned counsel further submits that the victim girl was medically examined and her age was assessed 18 to 19 years. However, no evidence of recent sexual intercourse was found in the medical examination. This falsifies the allegation against the petitioner. Learned counsel further submits that compromise has also taken place between the parties. Petitioner is having clean antecedent. Petitioner is in custody since 06.10.2024 and charge-sheet has been submitted.

5. Learned A.P.P. as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that he has no instruction with regard to any compromise being entered into between the parties.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the medical report of the victim girl and also considering the clean antecedent of the petitioner as well as his period of custody



coupled with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-POCSO-cum-Additional Sessions Judge-VII, Gaya/concerned court in connection with Barachatti P.S. Case No. 454 of 2024, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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