

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86331 of 2025

Arising Out of PS. Case No.-482 Year-2025 Thana- WARISLIGANJ District- Nawada

1. Jugnu Manjhi @ Pari Manjhi @ Paro Manjhi, Son of Doman Manjhi, R/o Village - Chandipur Mushari, P.S. - Warisaliganj in the district of Nawada.
2. Vinma Manjhi @ Arvind Manjhi, Son of Bhajju Manjhi, R/o Village - Chandipur Mushari, P.S. - Warisaliganj in the district of Nawada.
3. Chhote Manjhi, Son of Lali Manjhi, R/o Village - Chandipur Mushari, P.S. - Warisaliganj in the district of Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] R/o Village - Chandipur Mushari, P.S. - Warsiliganj in the district of Nawada.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 17-03-2026 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners have prayed for bail in connection with Warisaliganj P.S. Case No. 482 of 2025 registered for the offence punishable under Section 70(2) of B.N.S. and Section 4 of POCSO Act.

3. The case of the prosecution, in short, is that the petitioners along with one other have committed rape with the daughter of the informant.

4. It is submitted by learned counsel for the petitioners



that petitioners are innocent and have committed no offence. They have been falsely implicated in the present case. During course of investigation, the witnesses who have posed themselves as eye witness, have not supported the case of the prosecution and from perusal of the medical examination report, it is clear that doctor has not found any recent sign of sexual intercourse whereas final opinion is reserved as F.S.L. report has not come yet. It has further been submitted that though the victim has stated that the petitioners and one other have committed rape with her but the medical report does not support the version of the prosecution. A statement has been made in para-3 of the petition that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 20.09.2025.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail and have submitted that the victim is minor and there is allegation of gang rape against the petitioners. It has further been submitted that in this case, trial has started. The informant has been examined in this case.

6. Learned APP for the State has also relied on a judgment of Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr passed in SLP(Criminal) No. 13378 of 2024** wherein in para- '14', Hon'ble Apex Court has held which



is being quoted hereunder:-

14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

7. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioners on bail at this stage and, as such, their prayer for bail stands rejected.

8. However, petitioners may renew their prayer for bail after examination of the victim if the victim does not support the case of the prosecution.

(Ashok Kumar Pandey, J)

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