

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71813 of 2021

Arising Out of PS. Case No.-245 Year-2021 Thana- CHOUTARWA District- West
Champaran

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Manoj Kumar, Son of Nagendra Patel @ Nagina Patel, Resident Of Village-
Vikhampur Senwaria, P.S- Shanichari, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarendra Nath Verma, ,Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

13 30-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Chautarwa P.S. Case No.245 of 2021 registered for the offence
punishable under Sections 504, 506, 354, 34 of the Indian Penal
Code, Section 67 of the Information Technology Act and
Section 8 of the POCSO Act.

Informant's minor daughter's marriage was finalized
with the petitioner, but for a future date, it is alleged that the
petitioner was desirous of the marriage being solemnized
immediately and to coerce the informant and the victim, he has
morphed the photographs of the victim sent during the marriage
negotiation and made it viral. He has also expressed his desire to
establish physical relationship with the victim.

Learned counsel for the petitioner submits that it is a
false case, based on extraneous considerations. The same
informant has lodged similar case against other accused persons
also, giving rise to Bagaha Mahila P.S. Case No.58 of 2022.



Certified copy of the same has been filed along with the supplementary affidavit. It is further submitted that the informant's version in the FIR and the statement recorded under Section 161 Cr.P.C. as well as recorded under Section 164 Cr.P.C., all are at variance with each other. It is further submitted that the victim girl, as per School certificate, was born on 01.01.2004 and is maintaining a Bank account in her own name, wherein the petitioner has transferred fund. Therefore, the allegation that she is minor is palpably false. The petitioner has also filed case against the informant for recovery of certain sums due to him. The petitioner is in custody since 01.10.2021, though he has no criminal antecedents. Investigation is complete.

Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner is accused by the informant of offences under the POCSO Act. The same are required to be viewed seriously.

Considering the rival submissions, the manner of the petitioner's implication, the documents brought on record, the other circumstances, noted above, as also the clean antecedents of the petitioner and his period of custody, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, 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 the learned 7th Additional Sessions Judge-cum-Special Judge, POCSO, Bettiah, West Champaran, in connection with Chautarwa P.S. Case No.245 of 2021, subject to the



following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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