

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53708 of 2017

Arising Out of PS.Case No. -386 Year- 2014 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

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Deepak Kumar @ Dipak Kumar, Son of Shri Chandra Prasad, Resident of
Village-Deopurparsa, P.S.-Kalyanpur, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Rajkishore Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 13-12-2017 The report has been received from the court of the

learned 1st Additional Sessions Judge- Cum- Special Judge,
POCSO, East Champaran, Motihari in connection with this case. It
has been reported that for disappearance of Rekha Kumari and her
child separate Motihari Town P.S. Case No. 681 of 2016 has been
registered under section 365 of the I.P.C. and the victim girl and
her child has not yet been recovered and their search is going on.

Heard the learned counsel for the petitioner as
well as the learned A.P.P. for the State.

The petitioner wants to renew his prayer for bail
which was earlier rejected by orders dated 02.05.2016 and
08.03.2017 passed in Cr. Misc. Nos. 43314 of 2015 and 9164 of



2017 respectively, on the ground that the petitioner is ready to keep Rekha Kumari as his wife and he is not raising dispute regarding child and for his D.N.A. test. The petitioner is admitting that the child, born from Rekha Kumari, is of the petitioner and on that ground it is submitted that the petitioner may be released on bail. The petitioner is suffering in custody since 17.01.2015 and as such now he deserves sympathetic consideration.

The learned A.P.P. opposes prayer for bail of the petitioner by submitting that Rekha Kumari with her child is traceless and the petitioner has filed Jail petition in this regard against Deo Kumar Prasad and his wife. Motihari Town P.S. Case No. 681 of 2016 has been registered under section 365 of the I.P.C. for disappearance of Rekha Kumari and her Child.

In the facts and circumstances stated above, considering letter no. 514 dated 06.12.2017 of Sri Krishna Bihari Pandey, 1st Additional District & Sessions Judge, East Champaran, Motihari and further submission of the petitioner, now the petitioner above named, is directed to 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 1st Additional Sessions Judge- Cum- Special Judge, POCSO, East Champaran, Motihari in connection with Sessions Trial (POCSO) No. 51 of



2016 arising out of Kalyanpur P.S. Case No. 386 of 2014, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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