

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67623 of 2019

Arising Out of PS. Case No.-498 Year-2018 Thana- ALAMGANJ District- Patna

DEEPAK KUMAR Son of Sri Basudeo Sah @ Vasudev Saw Residence of
Mohalla- Kedar Nath Math, Alamganj Chowki, P.S.- Alamganj, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Prasad, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of
Alamganj P.S. Case No. 498 of 2018, disclosing the offence
under Section 365 of the Indian Penal Code and Section 12 of
POCSO Act.

Learned counsel for the petitioner has referred to
statement of the victim, who is a minor, recorded under Section
164 of the Cr. P.C., to contend that it does not disclose any
sexual assault. He has submitted that no force of any nature was
applied as per the own statement of the victim recorded under
Section 164 of the Cr. P.C. He has, however, submitted that by
no means, offence under the provisions of POCSO Act, not be



said to be made out, if the allegation in the First Information Report and the statement of the victim recorded under Section 164 of the Cr. P.C. are read together.

I find some substance in the submission made on behalf of the petitioner for the purpose of grant of regular bail.

Considering the above, this application is allowed. Let the petitioner, above-named, 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 **learned Additional Sessions Judge-I-cum-Spl. Judge, POCSO**, in connection with **Alamganj P.S. Case No. 498 of 2018**, subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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