

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17741 of 2020**

Arising Out of PS. Case No.-107 Year-2019 Thana- CHANDAUTI District- Gaya

DEEPAK KUMAR Son of Sunil Kumar Resident of Mohalla - Imaliyachak,
P.S.- Rampur, District- Gaya

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Malka Prveen D/o Md. Mumtaz R/o village- Katari, Tawar near Factory,
P.S.- Chandauti, District- Gaya

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr. Ansar Ul Haque, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 14-12-2020 Heard learned counsel for the petitioner and Mr. Ansar Ul Haque, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Chandauti P.S. Case No. 107/2019 registered for the offences punishable under Section 363, 365 of the Indian Penal Code.

Learned counsel for the petitioner submits that he has filed a jointness affidavit on behalf of the petitioner. Let the same be accepted.

The opposite party no. 2 has not entered appearance despite service of notice.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he had taken away the minor daughter of the informant but it would appear from the statements in



the First Information Report that the alleged occurrence had taken place on 28.04.2019 whereas it has been reported in the Police Station on 30.04.2019. It is further submitted that from the radiological report of the victim girl it would appear that she has been found to be aged above 19 years. In her 164 Cr.P.C. statement though she has alleged that she had been intercepted from behind while she was returning to her house along with her parents after attending a marriage ceremony, her statement is at complete variance from the allegations in the First Information Report wherein the father of the victim girl has stated that on 28.04.2019 at about 3:30 A.M. (morning hour) this petitioner had taken away his daughter by alluring her with an intention to marry and because of the darkness the father of the victim girl was unable to see the number of the Motorcycle.

Learned counsel submits that the kind of statement made by the victim girl about her having been forcibly taken away by making her unconscious and that too that when she was returning to her house along with her parents and was walking with them slowly seems to be highly unbelievable. Petitioner is said to be aged about 19 years.

It is the submission of learned counsel for the petitioner that the victim girl is major and it has been evident from the radiological report of the victim girl (Annexure '2'). It is submitted that the victim girl has also submitted in her statement under Section 164 Cr.P.C. that she wanted to marry with the petitioner because now



she had no option. It is then submitted that the petitioner is in jail in connection with this case for almost 1 ½ year. The trial is not likely to be concluded in near future and at this stage when there is no opposition to the prayer for bail of the petitioner, he may be enlarged on bail subject to such terms and conditions which may be imposed by this Court.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case and the submission as noticed hereinabove, the fact that despite service of notice opposite party no. 2 has not appeared to oppose this application and the trial is not likely to be concluded in near future as also the submission that petitioner is hardly about 19 years of age and at this stage if released on bail he may pursue his study etc., let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO), Gaya, in connection with Chandauti P.S. Case No. 107/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and



(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

