

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66688 of 2019

Arising Out of PS. Case No.-23 Year-2019 Thana- LAUKARIA District- West Champaran

Deepak Kumar, Son of Rambabu Sah, Resident of Village - Jhanjhri, P.S.-
Inerwa, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 17-02-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is accused in connection with
Laukariya P.S. Case No. 23 of 2019, registered under Section
366(A) of the Indian Penal Code and later on, Section 4 of the
POCSO Act has been added and the Charge sheet has been
submitted under Sections 363, 366(A), 376/34 of the Indian
Penal Code and Section 4 of the POCSO Act.

The accusation is that after taking the dinner in the
late evening on 09.03.2019, informant, his daughter, aged about
17 years and wife slept in the house. In the midnight, when
informant and his wife woke up then saw that his daughter was
not in the house. Thereafter, search was made but no trace of his



daughter was found. Informant claimed that his daughter has been kidnapped by unknown for the purpose of marriage.

Learned counsel for the petitioner submits that it would appear from the FIR that daughter of the informant after taking the dinner slept in the house and when wife of the informant woke up, she found her daughter absent in the house and on search no trace was found. In fact, there was love affairs in between the daughter of the informant and Chandrashekhar Thakur and the daughter of the informant left the house with Chandreshekhar Thakur. The age of the victim was assessed in between 17 to 19 years in her medical examination. Further submission is that only to save Chandrashekhar Thakur the daughter of informant while claimed about her kidnapping by the petitioner and Chandrashekhar Thakur but made allegation of rape against the petitioner. Further submission is that petitioner has no criminal antecedent and is in custody since 11.07.2019.

On the other hand, learned A.P.P. for the state submits that the victim has stated in her statement recorded under Section 164 of the Cr.P.C. about her kidnapping by petitioner and Chandrashekhar Thakur from her house and carrying her at Bettiah and committing rape by the petitioner.



Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional Sessions Judge-cum-Special Judge (SC/ST/POCSO), Bettiah, West Champaran, in connection with Laukariya P.S. Case No. 23 of 2019. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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