

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37072 of 2021

Arising Out of PS. Case No.-292 Year-2020 Thana- JAGDISHPUR District- Bhojpur

Deepak Kumar Son of Late Virendra Singh @ Late Birendra Singh Resident
of Village - Purani Panapur Police Station- Akilpur, District - Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
POCSO Case No. 20 of 2021 arising out of Jagdishpur P.S. Case
No. 292 of 2020 instituted for the offences under Sections
366(a), 506 and 34 of the Indian Penal Code read with Section 8
of the POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 09.11.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from
perusal of the allegation as alleged in the F.I.R. it would
manifest that the informant alleges that his minor daughter, aged
about fifteen years, was kidnapped by the petitioner in



connivance with other co-accused on 05.11.2020 at 3.00 am on motorcycle and the informant saw the occurrence as she had gone to attend nature's call and thereafter it is alleged that the informant was threatened on phone and the informant also provided two mobile numbers and prayed for taking necessary action against the accused persons.

Learned counsel for the petitioner submits that the petitioner and the victim were in love, further they have also married but now when the girl came back, she has resiled from the fact that she was in love with the petitioner. It is further submitted that from perusal of the Aadhar Card, the age of the victim is twenty years though in the F.I.R. it has been alleged that she is a minor, further the doctor has also assessed her in between fourteen to nineteen years and in her statement under Section 164 Cr.P.C. the victim has not alleged any misbehaviour or sexual assault on part of the petitioner.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the doctors have assessed the victim to be in between fourteen to nineteen years, the Aadhar Card also reflects that she was a major on the date of occurrence, the injury report does not corroborate rape, there is



no allegation of any sexual assault or misbehavior on part of the petitioner in her statement under Section 164 Cr.P.C., petitioner is in custody since 09.11.2020, and is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with POCSO Case No. 20 of 2021 arising out of Jagdishpur P.S. Case No. 292 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Satyavrat Verma, J)

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