

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.343 of 2021**

Arising Out of PS. Case No.-103 Year-2015 Thana- BELAGANJ District- Gaya

DEEPAK KUMAR son of Sumanta Prasad Resident of Village- Jagpura,
Post- Jagpura, P.S.- Makhdumpur District- Jehanabad (Bihar), Pin Code-
804424

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate

For the Opposite Party/s : Mr. Murlidhar, A.P.P.

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

3 25-03-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Murlidhar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Belaganj P.S. Case No. 103 of 2015 and Special

POCSO Case No. 48 of 2015 registered for the offences under

Sections 366(A), 376 of the Indian Penal Code and Section 4/6

of POCSO Act.

Learned counsel for the petitioner submits that the

petitioner is alleged to have enticed away the informant's

daughter and kept her as his wife and established physical



relationship with her. It is further alleged that the petitioner has kept the victim at different places and ran away after leaving her alone.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The victim has been examined under Section 164 Cr.P.C. in which she accepted that she had established physical relationship with the petitioner on her own volition and the victim has been found aged about 19 years. The petitioner is in custody since 13.08.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the victim girl was major at the time of alleged occurrence, she happens to be related to the petitioner and has accepted that she was in love with the petitioner and further she has made statement under Section 164 Cr.P.C. that she had established physical relationship with the petitioner on her own volition, further submission that the victim girl is already married and at this stage the petitioner has remained in jail in connection with the present case since 13.08.2020, the victim



girl has herself filed a petition in the learned court below that she has got good feelings and cordial relationship with the petitioner, learned A.P.P. for the State having gone through the case diary informs that in her 164 Cr. P.C. statement she accepts to have entered into physical relationship on her own wish though she says that it was on the pretext of marriage and further that the victim girl has been assessed aged about 19 years, in the totality of the circumstances, this Court directs that 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 Court of Special Judge (POCSO Act), Gaya in connection with Belaganj P.S. Case No. 103 of 2015, 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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

