

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24416 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- KESARIA District- East Champaran

Deepak Kumar, Son Of Manjay Prasad @ Manjay Kumar Kushwaha Resident
Of Village - Lohargawa, P.S.- Kesharia, District - East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ranjana Srivastava
For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section
366A/ 34 of the Indian Penal Code and Section 8 of the POCSO
Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that petitioner along with two other accused persons
kidnapped the minor daughter of the informant.

The learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the present case. It is
next submitted that the victim eloped with the petitioner as they
were in love. It is also submitted that the victim has returned



and her statement was recorded under Section 164 of the Cr.P.C. wherein she has stated that she was not kidnapped and she has already married the petitioner six months back, but considering her minority i.e. since the victim was in between the age of 15 to 16 years, as such, the learned Court released the victim in favour of her parents.

The learned counsel next submits that no doubt, victim was a minor, but she was above 16 years of age, as such, she has reached the age of discretion where she was capable of understanding the consequences of her action. It is also submitted that since the victim has not supported the prosecution case, as such, sending the petitioner to jail would not serve the purpose of justice.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where



the case is pending in connection with Kesariya P. S. Case No.99 of 2021 corresponding to POCSO Case No.91 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds of the petitioner shall verify the statement of the victim recorded under Section 164 of the Cr.P.C., if the victim has not supported the prosecution case, the present order shall be acted upon forthwith and in the event, if she has supported the prosecution case, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

