

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35102 of 2021**

Arising Out of PS. Case No.-321 Year-2020 Thana- SABAUR District- Bhagalpur

DEEPAK KUMAR S/O UPENDRA KUMAR MANDAL R/o village- Simro,
P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Mr. Mirtyunjay Kumar Mishra, Advocates.
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 21-03-2022 Heard Mr. Ranjan Kumar Jha, learned counsel for
the petitioner and Mr. Akshay Lal Pandit, Additional Public
Prosecutor for the State.

Petitioner seeks regular bail in connection with
Sabour (Goradih) PS Case No. 321/2020 registered for the
offence punishable under Sections 363, 365, 366(A)/120(B) of
the IPC and subsequently, Section 376 IPC and Section 4 of
POCSO Act were also added.

The allegation in a nutshell is that the minor daughter
of the informant has been abducted by co-accused, Nikesh
Mandal from the house of the informant for the purpose of
marriage.

Learned counsel for the petitioner submits that the
petitioner is a proprietor of a Coaching Institute in which the



victim girl was studying and he has falsely been implicated in this case with oblique motive. He next submits that the occurrence has taken place on 10.11.2020 and the FIR has been lodged on 12.11.2020 and the statement of the victim girl has been recorded by the police on 06.01.2021 under Section 161 CrPC wherein she has categorically stated that she had love affair with co-accused, Nikesh Mandal and had gone to Delhi out of her own free will and solemnized marriage. He further submits that on the very next day i.e., on 07.01.2021 statement of the victim girl under Section 164 CrPC was recorder in which she has retracted from her earlier statement given under Section 161 CrPC and only stated that the petitioner had instigated the co-accused, Nikesh Mandal for her abduction and in Delhi one friend of petitioner, namely, Sunil Kumar had committed rape upon her.

Accordingly, submission is that there is no allegation of abduction upon the petitioner and the petitioner is a teacher who runs a coaching institute. Learned counsel further submits that petitioner having no criminal antecedent is in custody since 26.02.2021.

Having regards to the submissions made by the parties and taking into consideration the statement of the victim



recorded under Section 161 CrPC and under Section 164 CrPC and the fact that petitioner having no criminal antecedent is in custody since 26.02.2021 and the charge-sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, DEEPAK KUMAR be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO)-cum-7th Additional Sessions Judge, Bhagalpur/the court concerned in connection with Sabour (Goradih) PS Case No. 321/2020.

(Anil Kumar Sinha, J)

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