

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34024 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- PUPRI District- Sitamarhi

Deepak Kumar Son of Ram Pramod Singh R/o village - Loknathpur, P.S.-
Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366A/34 of the Indian
Penal Code and Section 8 of POCSO Act.

According to prosecution case, the informant's minor
daughter aged about 13 years had gone to procure some
medicine but she did not return back within reasonable time and
on search she was seen at Pupri Bazar by his son Mohan Kumar,
who saw that two people were taking his daughter near Station
Chowk by tying mouth of the victim girl by Dupatta towards
Nageshwar Asthana. Later on, when they went to the house of
the alleged accused Sunny Kumar, his father Shiv Kumar
Bhagat and one Deepak Kumar were found to be involved in



this case and they had kidnapped his daughter for the purpose of illicit marriage.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is friend of co-accused namely Sunny Kumar and there is admitted love affair between the co-accused Sunny Kumar and victim girl. He further submit that the victim girl and co-accused Sunny Kumar has performed the marriage. He further submits that the victim girl was recovered and her statement under Section 164 Cr.P.C. recorded, in which she has categorically stated that she has performed the marriage with co-accused Sunny Kumar and the petitioner has no role at all in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court



below where the case is pending in connection with Pupri P.S.

Case No. 88 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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