

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57068 of 2021

Arising Out of PS. Case No.-131 Year-2021 Thana- MAHESI District- East Champaran

Deepak Kumar, Male, aged about 18 years, S/o Raj Mangal Ram R/o village-
Damodarpur, P.S.- Mehsi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Adv.

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Mehsi P.S. Case No. 131 of 2021 instituted for the offences
under Sections 366, 366(A) 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 27.07.2021, is a person with clean
antecedent and charge-sheet has been submitted.

The Informant alleges that her minor daughter,
namely, Muskan Kumari had gone to attend the call of nature
when she was kidnapped by the petitioner and two named



accused persons.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the Informant knowing that the petitioner and the victim girl are in love has instituted the present case and the victim girl in her statement recorded under Section 164 of the Cr.P.C. has specifically stated that she has performed marriage with the petitioner and wants to live with him and, such, she has completely negated the prosecution case. Learned counsel for the petitioner again submits that the doctor has assessed the age of the victim girl in between 15-16 years and, such, she has reached the age of discretion though she is a minor. It is thus submitted that now since the petitioner and the victim girl are married and the victim has accepted the marriage with the petitioner and wants to stay with him, the petitioner deserves sympathy of the Court.

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

Considering the fact that the petitioner is in custody, is a person with clean antecedent and charge-sheet has been submitted as also the victim girl has negated the prosecution case in her statement made under Section 164 of the Cr.P.C., let



the petitioner above named be released on bail on furnishing
bail bond of Rs.10,000/- (Rupees Ten Thousand) with two
sureties of the like amount each to the satisfaction of learned 7th
Additional District & Sessions Judge cum Special Judge,
POCSO Act, East Champaran, Motihari in connection with
Mehsi P.S. Case No. 131 of 2021.

(Satyavrat Verma, J)

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