

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66215 of 2021**

Arising Out of PS. Case No.-274 Year-2021 Thana- BODHGAYA District- Gaya

DEEPAK KUMAR Son of Raj Ratan Kumar Resident of Village - Mastipur,
P.S.- Bodhgaya, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 15-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bodhgaya
P.S. Case No. 274 of 2021 registered for the offence under
Sections 366(A), 120(B), 379 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.08.2021.

The allegation against the petitioner is to kidnap the
minor daughter of the informant along with other co-accused
persons, for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner has been falsely implicated in the



present case, due to local disputes and differences. It is further submitted that as per medical examination report, as mentioned in paragraph no.55 of case diary, victim appears major, above 19 years, but fairly conceded the fact that she is minor as per school certificate. It is also submitted that victim denied the factum of sexual assault and kidnapping, as per statement of victim, as recorded under section 164 of the Cr.P.C. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as victim negate allegation of kidnapping and sexual assault against this petitioner through her statement, as recorded under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bodhgaya P.S. Case No. 274 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya/concerned court, subject to the condition as mentioned



under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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