

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32244 of 2023

Arising Out of PS. Case No.-72 Year-2021 Thana- TAJPUR District- Samastipur

Dip Kumar @ Dip Kishan @ Deepak Kumar Son Of Kamlesh Ray @
Kamlesh Roy Resident Of Village- Chakpahar, Ps- Tajpur, Distt- Samastipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Tajpur
P.S. Case No. 72 of 2021 dated 16.02.2021 instituted for the
offence punishable under Sections 366, 366A, 34 of the Indian
Penal Code and Section 8/12 of POCSO Act .

3. The allegation against the petitioner and other co-
accused persons is that they have kidnapped the informant's
daughter. It has also been alleged that when the informant
reached the house of the petitioner to inquiry about his daughter,
his mother abused him.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Learned counsel for the petitioner submits that date of



occurrence is 12.02.2021 and the F.I.R. was lodged on 16.02.2021 and statement under Section 164 of the Code of Criminal Procedure of the victim has been recorded on 24.02.2021. Learned counsel for the petitioner submits that both parties were agree for the marriage of the petitioner and victim, because love affairs was going on since long between them, but due to some misunderstanding, marriage could not be solemnized. Therefore the informant lodged this case against the petitioner and his mother. Learned counsel for the petitioner submits that the victim is major and her age is more than 19 years, which is clear from her Aadhar Card, in which the date of birth of the victim is 01.01.2002. Therefore, Section 8/12 of POCSO Act is not made out against the petitioner. Learned counsel for the petitioner further submits that victim was examined under Section 164 of the Cr.P.C. and she has stated about the alleged kidnapping only due to family pressure, but she has not alleged against the petitioner either of sexual assault or abuse in her statement under Section 164 of the Cr.P.C. Lastly, it has been submitted that the petitioner is in custody since 18.03.2023 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Samastipur in Tajpur P.S. Case No. 72 of 2021.

(Khatim Reza, J)

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