

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42182 of 2023

Arising Out of PS. Case No.-644 Year-2022 Thana- JAHANABAD District- Jehanabad

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Dilip @ Deepak Kumar S/O Dukhan Prasad R/O Village- Khemkaran Saray,
Ps. Kurtha, Dist. Arwal. Presently Residing At Ramanand Colony, Ps.
Jahanabad, Dist. Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarandha Suman

For the Opposite Party/s : Mr.Md. Iftexhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

3 26-07-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Special POCSO Case
No. 114 of 2022 arising out of Jehanabad P.S. Case No. 644 of
2022 dated 13.07.2022 registered for the offences punishable u/s
363 and 366A of the Indian Penal Code.

4. As per the prosecution case, the petitioner is alleged
to have kidnapped and committed rape on the minor daughter of
the informant.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submitted that as per the medical report the doctor has opined that no external or internal injury was found on the person of the victim as well as no foreign body or spermatozoa was found at present, however, it is further opined that sexual contract cannot be ruled out as stated at Para. 17 of the bail petition and 2nd Supplementary affidavit. It is further submitted that there is no definite finding with regard to the commission of rape. There is no statutory compliance of Section 53A of the Cr.P.C. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is in custody since 16.09.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim is a minor girl who is aged about 15-16 years.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody and the opinion of medical board, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Jehanabad in



connection with Special POCSO Case No. 114 of 2022 arising out of Jehanabad P.S. Case No. 644 of 2022, with the condition :-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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