

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43684 of 2023

Arising Out of PS. Case No.-94 Year-2022 Thana- KHUDWA District- Aurangabad

DEEPAK KUMAR Son of Rasik Baitha @ Rasik Rajak Resident of village -
Khudwan, P.S.- Khudwan, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offences punishable under Section 366A of the
Indian Penal Code

3 As per FIR. it is a case of abduction of minor daughter
of the informant by the petitioner.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. It is further
submitted that there is contradiction between the victims statement
which recorded under Section 164 as well as 161 of Cr.P.C. and
according to Section 161 Cr.P.C., the victim has not whispered
about the physical relationship with the petitioner but in statement
recorded under Section 164 Cr.P.C. stated that petitioner has made
physical relationship with the victim. She stated her age about 14



years in her statement under Section 164 Cr.P.C. It is further submitted on behalf of the petitioner that from para 104 of the case diary, the age of the victim was 20 years at the time of occurrence. Chargesheet has not been submitted under Section 376 Cr.P.C. rather it has been submitted only Section 366 of the IPC as well as POCSO Act and good sense had been privileged between the parties. From perusal of the statement of the victim, she her own freewill went to the petitioner. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 28.03.2022.

5. The application for bail is opposed by learned APP for the State

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to Additional the satisfaction of the learned Judicial Magistrate, First Class, Daudnagar, Aurangabad (Bihar), in connection with Khudwan P.S. Case No. 94 of 2022.

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(Sunil Kumar Panwar, J)

