

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42757 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- DEODHA District- Madhubani

DEEPAK KUMAR Son of Suraj Mukhiya Resident of village - Pithwatole,
P.S.- Deodha, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumar Daughter of Kushe Mukhia Resident of village - Pithwa Tole,
Ward No.- 2, P.S.- Deodha, District - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Deodha P.S. Case No.01 of 2022, registered for the offences punishable under Sections 363, 366, 504, 506, 120B of the Indian Penal Code and Sections 8 and 12 of POCSO Act.

The allegation is regarding the petitioner having abducted the daughter of the informant.

learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing



in custody since 17.05.2022. Learned counsel for the petitioner has further submitted that a bare perusal of the statement made by the victim girl under Section 164 of the CrPC, before the learned Magistrate would show that the victim girl had voluntarily eloped with the petitioner and had solemnized marriage, whereafter she has also become pregnant. In such view of the matter, it is submitted by the learned counsel for the petitioner that the petitioner be granted the privilege of bail inasmuch as there is no evidence on record to suggest that the petitioner had abducted the victim girl. It is also submitted that the age of the victim has been mentioned as 18 years in the statement under Section 164 CrPC, before the learned Magistrate, hence, the occurrence can at best be stated to be consensual, thus, no offence is made out.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also those contained in the case-diary, this Court finds from the statement of the victim girl, made under Section 164 CrPC, before the learned Magistrate that the victim girl had eloped with the petitioner voluntarily, married him and has also become pregnant thereafter, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Madhubani in connection with Deodha P.S. Case No.01 of 2022 corresponding to G.R. No.12 of 2022.

(Mohit Kumar Shah, J)

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