

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54603 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- MAHILA P.S District- West Champaran

DEEPAK KUMAR KEWAT Son of Shree Lal Kewat Resident of village -
Mangalpur, P.S. - Patkhauli, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vashishtha Narayan Mishra, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-08-2023

Heard the parties.

The petitioner is in custody in connection with Bagaha Mahila P.S. Case No. 18 of 2023 for the offence under sections 363, 366(A)/34 of the Indian Penal Code and sections- 4,8 of the POCSO Act lodged on 10.04.2023 by the informant, Babita Devi.

As per the prosecution story, it was alleged by the informant that the named accused persons kidnapped her minor daughter, this led to lodging of the FIR.

Learned counsel for the petitioner has submitted on the basis of the statement made in paragraph 5 of the bail petition which shows that the girl had made a statement that on her own, she went to Kanpur with the petitioner, solemnized marriage in a Durga temple and living with him as husband and



wife. After lodging of the case, they came and were caught whereafter the statement recorded.

The said statement of the petitioner as incorporated in paragraph 5 of the bail petition is incorporated here-in-below:

“That, the victim came safely and got her statement recorded under section 161 of the Code of Criminal Procedure, in which she not supported the allegation made in the F.I.R. and she stated that she on her own will left the house and went to Kanpur (Uttar Pradesh) with Deepak Kumar Kewat where she was residing on taking a house on rent as wife and husband and she solemnized marriage there with Deepak Kumar Kewat (petitioner) in Durga temple. She went with Deepak Kumar Kewat on 20.03.2023 itself. She further stated that from Kanpur she came to her parent's house and then again she left her house on 05.04.2023 and came to Valmikinagar from where she went to Nepal where she stayed for sometime and then came to Gorakhpur where she was residing with Deepak Kumar Kewat as wife and husband and while she came to know about filing of the case, then she was caught by the police and thereafter, her statement was recorded.”

Learned APP opposes the prayer for bail stating that it



is a case of kidnapping of the minor girl.

Though, there is the force in the submission of the learned APP, in view of the fact what has been incorporated in paragraph 5 that the girl left the place on her own and was not kidnapped, the petitioner is a young boy of twenty-two years, has remained in custody since 14.05.2023 (as stated in paragraph 10 of the petition), do not have criminal antecedent, FIR lodged and ultimately will have to face the trial, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum Special Judge-POCSO, Bettiah, District-West Champaran, in connection with Bagaha Mahila P.S. Case No. 18 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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