

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56861 of 2023

Arising Out of PS. Case No.-176 Year-2019 Thana- MAHILA P.S. District- Araria

Deepak Kumar Biswas @ Deepak Kumar Son Of Birendra Biswas Resident
Of Village Pechaili, P.S. Mahalagaon, District Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N. A. Shamsi

For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-11-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 376, 313, 341, 323, 504, 506, 34 of the Indian Penal Code and Section 4 of the POCSO Act.

It is alleged against the petitioner that on promise to marry, he established physical relationship with the informant and continued the same for one year. It is also alleged against the petitioner that he forcefully got the pregnancy of the informant aborted and when the informant and her parents told to marry the



informant, they were abused and assaulted by all the F.I.R named accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner and the victim girl were in love with each other and the victim girl has accepted in her statement recorded under Section 164 Cr.P.C. Moreover, the victim herself admitted that she was in physical relationship with the petitioner for the last one year which suggests that the relationship, if any, was consensual one. The medical report which has been annexed with the case diary shows the age of the victim as 20 years and also does not corroborate the case of the prosecution. The petitioner is languishing in custody since 19.06.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of



the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Araria in connection with Mahila P.S. Case No. 176 of 2019(Special (POCSO) Case No. 69 of 2019).

(Sunil Kumar Panwar, J)

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