

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39405 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- MAJHAULIA District- West Champaran

Deepak Kumar @ Dipak Kumar Son of Narad Mahto Resident of Village-
Kotwa Bazar, P.S- Kotwa, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. usha Devi W/o harinarayan Mahato R/o Village - Ahwar sheikh , Ward no. -1, P.s. majhauliya, District- west Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 28-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Majhauliya P.S. Case No. 131 of 2024 for the offence punishable under Sections 420, 376 of the Indian Penal Code and section 4/8 of POCSO Act lodged on 20.02.2024 by the informant, Usha Devi.

3. As per the prosecution story, the informant alleged that the petitioner is distant relative who on the false pretext of marriage established physical relationship. Later, he tried to escape but was caught by the locals and brought to the police station. Whereafter, the FIR.

4. Learned counsel for the petitioner submits that he



has been falsely implicated in this case but only to pressurize the marriage, the case. He has already suffered by being in custody since 21.02.2024 (para-13 of the petition) having no criminal antecedent, he is a student and is ready to appear diligently in trial.

5. In this case, notices were issued to the informant and as per the office notes, the Opposite Party no.2 refused to accept the notice.

6. Learned APP opposes the prayer submitting that the girl has narrated having established sexual relationship.

7. The FIR has been lodged, the petitioner is in custody since 21.02.2024, he do not have criminal antecedent , is a student, the medical examination report shows that there is/was no evidence of recent sexual assault, the girl was medically examined in 21.02.2024 whereas the FIR was lodged on 20.02.2024, as per the statement of the girl, the family is still ready to marry.

8. Considering the aforesaid facts, this Court deems it fit and proper to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of



like amount each to the satisfaction of learned Special Judge, POCSO cum ADJ-VI, West Champaran, Bettiah, in connection with Majhauriya P.S. Case No. 131 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his 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.

(Rajiv Roy, J)

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