

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40003 of 2024

Arising Out of PS. Case No.-480 Year-2023 Thana- MOKAMAH District- Patna

Deepak Kumar SON OF LATE NATHUNI RAM R/O- VILL-
CHINTAMANCHOK, P.S- MOKAMA, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024

Heard the parties.

2. The petitioner is apprehending arrest in connection with Mokama P.S. Case No. 480 of 2023 instituted under Sections 363, 366(A), 34 of the Indian Penal Code lodged on 14.12.2023 by the informant, Rinku Devi.

3. As per the prosecution story, the informant alleged that the victim girl was taken away by this petitioner and when the informant went to the house of the petitioner, the family members abused. Accordingly, the FIR.

4. The case of the petitioner is that they were in relationship, the girl returned and earlier she gave her version before the police that having been scolded for using mobile, she went to her maternal aunt at Lakhisarai and later when the FIR was lodged, she returned. Later, under section 164 of the Cr.P.C.



she changed her version and made allegation against the petitioner of having taken her away. He submits that the girl did not agree for the medical examination which clearly shows the story otherwise. The last submission is that the boy is 20 years of age, student and do not have criminal antecedent and is ready to cooperate in the investigation/trial.

5. Learned APP opposes the prayer submitting that the girl subsequently made statement against this petitioner.

6. Though statement is there, the fact remains that the girl did not agree for the medical examination, the boy is a student, 20 years of age, do not have criminal antecedent, is ready to cooperate in the investigation and face the trial, putting him in jail with the hardened criminals will serve no purpose, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Mokama P.S. Case No. 480 of 2023 to the satisfaction of learned A.C.J.M.-III, Barh, Patna subject to the conditions as laid down under Section



438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) 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;

(v) 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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