

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50406 of 2024

Arising Out of PS. Case No.-794 Year-2023 Thana- MAHUA District- Vaishali

Deepak Kumar @ Deepak Thakur Son of Nagina Thakur @ Nagendra Sharma Resident of Village - Hasanpur Osti, Police Station - Mahua, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Azmat Son of Md. Yashin Resident of Village - Hasanpur Osti, Police Station - Mahua, District - Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Rupesh Kumar, Advocate
For the State	:	Mr. Akshay Lal Pandit, APP
For the Informant	:	Mr. Satya Prakash Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 12-11-2024 Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the Informant. Perused the case diary.

2. The petitioner seeks bail in connection with Mahua P.S. Case No. 794 of 2023 instituted for the offence under Sections 363/ 366(A) of the Indian Penal Code and Sections 8 & 12 of the POCSO Act.

3. Prosecution case in short is that minor daughter of the informant aged about 14 years has gone to school and on the same day she returned to her house at about 04:00 PM. Thereafter, it is alleged that after changing her clothes, she went



outside her house but not returned. It is also alleged one Mobile Number was mentioned in the school copy of his daughter.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 15-12-2023. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has surfaced in this case during course of investigation. There is land dispute between the parties. Learned counsel goes on to submit that medical report does not substantiate the allegation levelled against the petitioner. There is no eye witness to the occurrence. It is submitted that statement of the victim was recorded under Section 164 of the Cr.P.C and she has deposed that wrongful act was done with her but she has not mentioned whether any sexual intercourse was done or not. Hence, no case is made out under Section 366A against the petitioner.

6. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to paragraph Nos. 5, 6, 7 & 8 that witnesses have supported the prosecution case. Police after investigation has submitted charge sheet in



this case under Sections 363, 366A of the IPC and Sections 8 & 12 of the POCSO Act.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and charge sheet being submitted this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahua P.S. Case No. 794 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

