

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63153 of 2024

Arising Out of PS. Case No.-257 Year-2022 Thana- GARDANIBAG District- Patna

Deepak Kumar S/o Baleshwar Prasad R/O - Mohalla Pandit Nagar, Railway
Station Biharsharif, P.S - Bihar, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nagmanti Devi W/o Pradip Ram R/o Yarpur Chamartoli, P.S. - Gardanibag,
Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is praying for regular bail in a case
registered for the offence punishable under Section 376 of the
IPC and under Section 6 of POCSO Act.

3. The case of the prosecution is that on the date of
the occurrence, the minor daughter of the informant was at her
house. At that time the petitioner entered in her house. It is
further alleged that the petitioner committed rape with the minor
daughter of the informant (hereinafter referred to as the 'victim'
in this case). The statement of the victim recorded under Section
164 Cr.P.C. wherein she has stated that the petitioner has given



her mobile and they used to talk. She has also stated that on the date of occurrence, the petitioner committed rape with her.

4. Learned counsel for the petitioner has argued that from the perusal of the injury report, it is clear that there is no injury or mark of violence over any part of the body of the victim and has stated that the petitioner is a disabled person. It is further submitted that Annexure-2 is the medical certificate of the petitioner which goes to show that the petitioner is mentally retarded and that he is disabled upto 40 per cent. The petitioner is in custody since 14.05.2022. The petitioner is having no criminal antecedent.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, as well as, the period of custody of the petitioner, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Special Case No.53 of 2022 arising out of Gardanibagh P.S. Case No.257 of 2022 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Judge (POCSO), Patna.



7. Accordingly, the present bail application stands
allowed.

(Ashok Kumar Pandey, J.)

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