

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65645 of 2024**

Arising Out of PS. Case No.-335 Year-2023 Thana- PIPRA District- East Champaran

Deepak Kumar Son of Sudhir Prasad Resident of Village- Bhagwanpur, P.S.-  
Pipra, District- East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manish Kumar Prasad Son of Yamuna Prasad R/V- Vilalge- Bhagwanpur,  
P.s.- Pipra, Distt.- East Champaran, Motihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**

ORAL ORDER

2      01-10-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with  
Pipra P.S. Case No. 335 of 2023 dated 26.10.2023, instituted for  
the offence punishable under Sections 366A of the Indian Penal  
Code and 8 of the POCSO Act.

3. The prosecution case, in short, is that after the  
death of informant's wife, informant's minor daughter (victim)  
aged about 17 years had turned sullen and melancholic. At  
07:00 pm on 07.10.2023, petitioner and other accused persons  
named in the FIR under a conspiracy arrived at informant's  
house and they, on the pretext of counselling the minor daughter



of the informant took the victim to their house. When victim did not return until 08:00 pm, informant visited house of the petitioner that was locked, then he became suspicious and after returning to his house, he found that his wife's jewellery worth Rs. 2 lakh and cash of Rs. 4 lakh were missing from the house. It is alleged by the informant that petitioner along with other co-accused has kidnapped his daughter for the purpose of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that according to matriculation marksheet, the age of the victim is 17 years and 3 months. It is also submitted that victim in her statement made under Section 164 Cr.P.C. stated that she had gone to the house of the petitioner at her own sweet will. It is next submitted that the victim in her statement has not levelled any allegation against the petitioner. It is further submitted that from perusal of impugned order, it is evident that victim has refused to marry with an elderly widower, her family members beat her and also threatened to kill her. Therefore, she slipped away from her house on 07.04.2023 and went to Patna with a woman and started residing in her house from where she made a call to her family member who did not pick her call. Then, she contacted



petitioner with whom she had been talking before and he disclosed that her family member had lodged false case against him. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Pipra P.S. Case No. 335 of 2023, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 7<sup>th</sup> Additional District and Sessions Judge-cum Special Judge POCSO Act, Motihari, East Champaran, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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