

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27870 of 2025

Arising Out of PS. Case No.-535 Year-2024 Thana- NOORSARAI District- Nalanda

Deepak Kumar aged about 19 years/male, son of Sri Prasad @ Sri Mahto,
resident of Village- Khewanbigha, Police Station- Noorsarai, District -
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raju Paswan S/O Late Loki Paswan R/O Village- Sunderbigha, P.S-
Noorsarai, Dist.- Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-08-2025 Heard Mr. Rabi Bhushan Prasad, learned counsel

appearing on behalf of the petitioner and Mr. Satyendra Prasad,

learned APP for the State.

2. Petitioner seeks regular bail in connection with
Noorsarai P.S. Case No. 535 of 2024 registered for offences
punishable under Sections 96, 3(5) of the B.N.S. and later on
added Sections 8/12 of the Prevention of Child from Sexual
Offences Act.

3. As per the allegation made in the FIR, petitioner
along with his family members had kidnapped the minor



daughter of the informant with an intention to marry with her.

4. Learned counsel appearing on behalf of the petitioner submitted that the victim, who is aged about 14 years had not gone missing, rather, it has been recorded in the order of Child Welfare Committee-X (Bench of Magistrates), North Delhi, that she had went to Delhi along with one Rekha and stayed in the home of one Suman Kumari for around twenty five days and has not alleged any illegal act committed by the petitioner. Petitioner is aged about 19 years and has just emerged as in adult. The petitioner is in custody since 14.12.2024. On these grounds, petitioner seeks to be released on bail.

5. Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR and information enumerated in the order dated 11.12.2024 of the Child Welfare Committee-X (Bench of Magistrates), North Delhi, in which it is recorded that she had went to Delhi along with one Rekha and stayed in the home of one Suman Kumari for around twenty five days and has not alleged any illegal act against the petitioner. Petitioner is in custody since 14.12.2024.



I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

7. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge cum Special Judge (POCSO), Nalanda at Bihar Sharif, in connection with Noorsarai P.S. Case No. 535 of 2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is



pending against the petitioner as what has been stated in
paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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