

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33381 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- AMAS District- Gaya

Deepak Kumar S/o Manoranjan Das Resident of Village- Tetariya, P.S.-
Amas, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o Surendra Yadav Resident of Village- Tetariya, P.S.- Amas, District-
Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Munish Kumar, Advocate Ms. Minakshi Kumari, Advocate Mr. Munna Raj, Advocate
For the State	:	Mr. Anil Kumar, APP
For the Informant/O.P. No. 2:		Mr. Arvind Kumar Sinha, Advocate Md. Javed Jafar Khan, Advocate Mr. Ujjawal Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-08-2025 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel appearing on behalf

of the informant/opposite party no. 2.

2. In the present case, the petitioner seeks bail in
connection with Amas P.S. Case No. 78 of 2025 registered for
the alleged offences under Sections 74, 76, 115(2), 3(5) of
B.N.S., 2023 and Section 10/12 of POCSO Act.

3. As per prosecution case, the minor informant
submitted written report alleging that the petitioner and other
co-accused persons forcibly took her away when she went



outside to ease herself and started touching her private part. They tried to commit rape with her. When the informant raised alarm, they fled away taking advantage of darkness.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is a Government teacher and was not present at the place of occurrence during the relevant time. The present case has been lodged due to enmity between two castes. There is a counter version and Amas P.S. Case No. 79 of 2025 for the offences under Sections 191(2), 191(3), 190, 126(2), 115(2), 352, 351(2), 324(4), 74, 329(4) of B.N.S. and Sections 3(1)(r)/3(1)(s)/3(1)(w) of SC/ST (Prevention of Atrocities) Act has been lodged by the mother of the petitioner against the informant side. The informant side entered into the house of the petitioner and assaulted the family members of the petitioner. After committing this crime they reached the police station first and lodged the present case. Earlier Amas P.S. Case No. 19 of 2019 was also lodged by one of the agnates of the petitioner against the relatives of the victim of the preset case and in order to save themselves from the two cases lodged by the petitioner's side, the present case has been filed. Learned counsel further submits that during investigation police perused the CCTV



footage and it has come during investigation that the FIR named co-accused persons Arbind Das, Narendra Das and Nityanand Kumar were not even present at the place of occurrence and this shows that the present case is completely false and concocted. Learned counsel further submits that the medical report shows the victim was not minor and she was aged about 18 to 19 years and no sign of sexual intercourse was found though it was observed rape cannot be denied. Learned counsel further submits that during investigation it has also recorded by the police that the victim girl through the mobile phone of her mother has called this petitioner seven times on the date of occurrence and the prosecution has failed to explain this anomaly. Learned counsel further reiterates that it is out and out a case case. Moreover, there is no specific allegation of alleged commission of rape as has been written in the FIR or in the statement of the victim recorded subsequently. The petitioner is in custody since 18.03.2025 and charge sheet has been submitted. The petitioner has no criminal antecedent.

5. Learned APP as well as learned counsel appearing on behalf of opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for opposite party no. 2 submits that there is specific allegation



against this petitioner and other co-accused persons for sexually assaulting the minor informant. The medical report has no relevance for the present purpose of consideration of the bail. Learned counsel further submits that considering the nature of allegation the petitioner does not deserve to be enlarged on bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter version and further considering the statement of the witnesses recorded during investigation and possibility of false accusation and also considering the submission of charge sheet, period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to 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 learned Exclusive Special Judge, POCSO -cum- Additional Sessions Judge-VII, Gaya/concerned Court in connection with Amas P.S. Case No. 78 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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