

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32812 of 2025

Arising Out of PS. Case No.-294 Year-2024 Thana- MAHARAJGANJ District- Siwan

Deepak Kumar @ Deepak S/O Ajit Prasad R/O Vill.- Ratanpura, P.S. -
Maharajganj, District- Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Vinod Yadav S/O Shivdayal Yadav R/O Vill.- Ratanpura, P.S. - Maharajganj,
District- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, App.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-08-2025 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. This application, for grant of regular bail, arises out of Maharajganj Police Station Case No. 294 of 2024, disclosing offences under Sections 127, 70(2) of the BNS, 2023 and Sections 4/6 of the POCSO Act.

3. As per the prosecution case, on 02.07.2024, in the evening, when the victim went to attend the nature's call in the field, the petitioner and co-accused Brajesh Kumar dragged her and committed rape.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land



dispute between the parties. The victim girl was examined on the very next date of the occurrence and the Doctor has not found any evidence of sexual assault. It has further been argued that the statement of the victim girl was recorded under Section 183 of the BNSS, 2023, in which she has stated that the petitioner has not committed rape upon her but tried to commit rape. The similarly situated co-accused Brajesh Kumar has been granted regular bail by a Co-ordinate Bench of this Court, vide order dated 17.04.2025, passed in Cr. Misc. No. 67052 of 2024. The petitioner is in custody since 28.02.2025.

5. Despite service of notice, no one appears for the O.P. No. 2.

6. Regards being had to the submissions made by the parties and taking into consideration the fact that similarly situated co-accused namely Brajesh Kumar has been granted regular bail by a Co-ordinate Bench of this Court, accordingly, I am inclined to grant regular bail to the petitioner.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Exclusive Special Judge, POCSO, Siwan, in connection



to the Maharajganj Police Station Case No. 294 of 2024.

9. This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J)

HarshPandey/-

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