

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77098 of 2024**

Arising Out of PS. Case No.-48 Year-2024 Thana- CHORAUT District- Sitamarhi

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Deepanshu Kumar Son of Santosh Choudhary @ Bimal Choudhary Resident
of Village - Baribehta, P.S. - Choraut, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Varsha Kumari @ Miliya Daughter of Pappu Chaudhary Resident of Village
- Baribehta, P.S. - Choraut, District - Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Kaushal Kumar Jha, Advocate
: Mr. Siddharth Aditya, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with Choraut
P.S. Case No.48 of 2024 dated 13.04.2024 registered for the



offences punishable under Sections 341, 323, 354B, 504, 506, 509/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The prosecution case as emerging from the FIR is that the informant is a 15 years old girl and on her way to grocery shop, she was caught hold of by the accused persons including the petitioner. They are also alleged to have outraged her modesty.

4. Learned counsel for the petitioner submit that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is agnates and he has property dispute. He further submits that the mother of the petitioner is an Asha worker and she has duty to report child marriage, and only a few days back, her mother had reported to the police that the informant girl, despite being minor, was going to solemnize marriage at the instance of her father and on her application, her marriage was prevented by the police authorities and in retaliation, this case has been filed against the accused/petitioner and other accused persons to harass his family. He also submits that all the accused persons are agnates of the informant and there is old family disputes and this is also a factor for the false implication. He also submits that co-



accused Rishikesh Kumar, Shravan Kumar @ Satyam Kumar and Shivam Kumar @ Aman Kumar have already been enlarged on anticipatory bail vide order dated 18.01.2025 passed by this Court in Cr. Misc. No. 68723 of 2024 along with Cr. Misc. 71455 of 2024.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

7. Learned APP for the State vehemently oppose the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-Cum-Special Judge (POCSO Act), Sitamarhi in connection with Choraut P.S. Case No.48 of 2024, subject to the conditions as laid down under



Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

Ramesh, S. Ali/-

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