

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.97 of 2025

Arising out of PS. Case No.-244 Year-2024 Thana- MUFFASIL District- Aurangabad

Deepak Kumar @ Deepika Kumar, S/o- Subodar Singh @ Subedar Singh,
Resident of Village - Bhola Bigha, P.S. - Muffasil, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shyamal Prakash, Advocate
For the Informant	:	Mr. Uma Kant Mishra, Advocate
For the State	:	Mr. Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 21-04-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Aurangabad (Muffasil) P.S. Case No. 244 of 2024 instituted for the offences under Sections 137(2) and 96 of the Bhartiya Nyaya Sanhita, 2023.

3. The prosecution case is to the effect that on 16.07.2024 at about 09.00 P.M. the informant's minor daughter namely Khushi Kumari aged about 17 years had been kidnapped by his co-village namely Deepika Kumar for the purpose of marriage.

4. It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. It is further submitted by learned counsel for the petitioner that the so-called victim girl had actually gone with the petitioner at her own sweet-will and they went to Jharkand and stayed there. It is also submitted by learned counsel for the petitioner that after the recovery of the victim girl she had refused for medical examination by Doctor and there is no eye-witness to support the prosecution case. It is next submitted that the charge-sheet has already been submitted against the petitioner and the charges have already been framed, however, the trial has not commenced. It is lastly submitted that the petitioner is in custody since 14.09.2024.

5. Learned counsel for the informant has opposed the prayer for bail stating that there is an allegation upon the petitioner to have taken away a minor girl and, hence, the petitioner does not deserve liberty of bail. Learned Additional Public Prosecutor for the State has supported the objection raised by learned counsel for the Informant.

6. Considering the aforesaid submissions made on behalf of the respective parties and taking into account the fact that the statement of the victim recorded before the police under Section 180 BNSS that she had gone with the petitioner on her



own sweet-will and on recovery she refused for medical examination as also in her statement recorded under Section 183 BNSS that she had retracted from her earlier statement and the petitioner is in custody since 14.09.2024, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad (Muf-fasil) P.S. Case No. 244 of 2024, subject to 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, if so required by the learned Trial Court.

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

(iv) The petitioner shall not try to make any contact with the prosecutrix until the



evidence of the prosecutrix recorded by the trial court and any effort to do so shall entitle the prosecution to go for cancellation of bail.

(Sourendra Pandey, J)

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