IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49070 of 2026

CNR No. BRHC010570102026

Arising Out of PS. Case No.-757 Year-2019 Thana- BANKA District- Banka

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Deepak Kumar S/O Kunj Bihari Singh @ Kunj Bihari Prasad Resident of Village- Katrsani, P.S- Rajoun, Distt.- Banka.

... ... Petitioner/s

Versus

1. The State of Bihar
2. [redacted] R/O Village- Babhangawa, P.S.- Barahat, Distt.- Banka.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Saurabh Raj, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

7 05-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Petitioner, who is in custody, seeks bail in connection with Banka (Barahat) P.S. Case No. 757 of 2019 registered for the offences punishable under Sections 366(A), 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences (POCSO) Act.

3. As per the FIR, the informant has alleged that the daughter of the informant and her friend had left their houses and they did not return and despite hectic search, they could not be traced. Subsequently, the informant received a call that the bicycle of the daughter of the informant was located near the

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railway station but the victim girls could not be traced.

4. The learned counsel for the petitioner submits that the petitioner is not named in the FIR and his named has transpired on the basis of confessional statement of the co-accused, Amit Kumar. It has further been submitted that the confessional statement cannot be relied upon, as it does not have any evidentiary vaue. It has next been submitted that both the victim girls were examined under Section 164 Cr.PC. and they have not named the petitioner rather have named the co-accused, Amit Kumar. It has further been pointed out that even if we consider the confessional statement of the co-accused, Amit Kumar, the only material which has come against the petitioner is that the victim girls were taken to the room of Deepak Kumar at his lodge at Bhagalpur. However, Deepak Kumar asked them to take the girl to the room of one Manohar Kumar. It has lastly been submitted that apart from the aforesaid, there is nothing against the petitioner, who is a student having clean antecedent and is in custody since 30.03.2026.

5. The learned A.P.P. has vehemently opposed the prayer for bail.

6. Having heard the learned counsel for the parties

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and taking into account the fact that there is no direct evident of the involvement of the petitioner, 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 the learned court below where the case is pending/successor court in connection with Banka (Barahat) P.S. Case No. 757 of 2019, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(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 cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms

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of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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