

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90378 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- CHIRAIYA District- East Champaran

Deepak Kumar @ Dipak Kumar S/o- Harendra Ray R/v- Lakshnipur Ps-
Muffasil Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XX S/o- YY R/v- Malutola Ps- Chiraiya Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Mr. Hemant Ray, Advocates
For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 24-03-2026 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offences punishable under Sections 96, 3(5) of the Bharatiya Nyaya Sanhita.
3. As per prosecution case, this petitioner, along with other accused persons named in the F.I.R., kidnapped minor daughter of informant when she went to attend nature's call.
4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has committed no offence. During investigation, the victim was recovered and in her statement recorded under Section 183 of the BNSS, she has denied the prosecution case and has categorically stated that she went with the petitioner out of her own



sweet will and has solemnized marriage on 28.03.2025. Age of the victim is assessed as 17 years old. In this connection, learned counsel for the petitioner has placed reliance upon order of the Division Bench of this Hon'ble Court dated 23.09.2010 in **Cr.W.J.C. No. 991 of 2010 (*Sahebi Khatoon @ Sahebi Versus State of Bihar and other*)** wherein this Court has directed to treat a girl as major in case her age assessed to be between 16 to 17 years. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State vehemently opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances, statement of the victim recorded under Section 183 of the BNSS and clean antecedent of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged 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 6th District & Additional Sessions Judge-cum-Exclusive Special Judge, POCSO Act, East Champaran, Motihari in connection with Chiraiya P.S. Case No. 117 of 2025, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik



Suraksha Sanhita.

(Prabhat Kumar Singh, J)

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