

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71205 of 2019

Arising Out of PS. Case No.-133 Year-2019 Thana- AMAS District- Gaya

GAUTAM KUMAR @ GAUTAM Son of Raju Singh @ Raju Ram Resident
of Village-Parhanda, Police Station-Cherki, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar
For the State	:	Mr.Umesh Lal Verma
For the Informant	:	Mr. Birendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-03-2020 Heard both sides.

The petitioner seeks bail in Amas P.S. Case No.133 of 2019, POCSO P.S. Case No.62/2019 registered under Section 376 of the Indian Penal Code and Sections 4 and 8 of POCSO Act.

The victim made allegation that while she had gone to ease out, the petitioner came and committed rape with her.

The learned counsel for the petitioner submits that F.I.R. was lodged after eight days of the occurrence. The doctor found the victim major. The doctor did not find any sign of rape. It is further submitted that statement of the victim recorded under Section 164 Cr.P.C. itself shows that the victim was having love affairs with the petitioner and when the petitioner



refused to marry with the victim, the victim filed this case.

On the other hand, learned A.P.P. as well as learned counsel for the informant opposed the prayer for bail and submitted that from perusal of school leaving certificate, it appears that victim was about 16 years old on the date of occurrence. The victim specifically alleged in her statement under Section 164 Cr.P.C. also that petitioner committed rape with her.

Taking into consideration the fact that on the basis of school leaving certificate, the victim was minor on the date of occurrence and the fact that minor girl made very specific allegation that the petitioner committed rape with her, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to expedite the trial and conclude the same within nine months from the date of receipt of this order.

(Prabhat Kumar Jha, J)

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