

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42547 of 2021

Arising Out of PS. Case No.-149 Year-2021 Thana- RAJIVNAGAR District- Patna

GAUTAM KUMAR Son of Brahama Nand Singh Resident of Village -
Mirachak, Maner, P.S.- Maner, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Roy, Sr. Adv. Mr. Shashank Shekhar Sinha, Adv.
For the Opposite Party/s	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-12-2021 Two supplementary affidavits have been filed on
behalf of the petitioner. Let the same be taken on record.

Heard learned counsel for the parties.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 363 and 365
of the Indian Penal Code.

As per the prosecution case, the 13 year old
daughter of the informant who had gone out to meet her friend
did not return and was not to be found inspite of search. As such
the F.I.R.

It is submitted by learned Senior counsel
appearing for the petitioner that the F.I.R. was registered against
unknown. In course of investigation it transpired that the



daughter of the informant was in talking terms with the petitioner. The petitioner was called to the police station and asked to communicate with the victim girl on telephone and thereafter she was recovered. It is submitted that the transcription of the conversation which the petitioner had from the police station with the victim girl, a copy of which has been brought on record as annexure to the supplementary affidavit would clearly show that the girl was not kidnapped and she had gone out of her own free will and the petitioner is innocent. It is submitted that the exam of the petitioner for recruitment to the post of Sub-Inspector/Sergeant is due to take place on 26.12.2021 and the admit card thereof has also been brought on record in the supplementary affidavit. The petitioner is in custody since 29.3.2021 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation including the statement of the 13 year old minor daughter of the informant under section 164 Cr.P.C. wherein she has made direct allegations against this petitioner of forcibly kidnapping her with one another on the motorcycle and that he used to add



psycho active drugs in her food which was served to her, the Court is not inclined to enlarge the petitioner bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

At this stage it is submitted by learned Senior counsel for the petitioner that the petitioner may be permitted to appear in the aforesaid competitive examination even in police custody.

Liberty is granted to the petitioner to move appropriate application before the learned Court below for the said relief which if moved, shall be considered without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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