

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69509 of 2021

Arising Out of PS. Case No.-414 Year-2020 Thana- JAYNAGAR District- Madhubani

Golu Kumar @ Golu Chaudhary, S/o Ashok Choudhary, R/o village-
Chamragachhi Mohalla, P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
		Mr. Vinod Kumar, Advocate
For the Opposite Party/s	:	Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Jaynagar P.S. Case No. 414 of 2020, registered for the alleged offences under Sections 363, 366A, 34 of the Indian Penal Code and Section 12 of POCSO Act.

As per the prosecution case, the petitioner and other co-accused persons enticed away the minor sister of the informant for the purpose of solemnization of marriage.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case and no occurrence as alleged has ever taken place. For an occurrence of 15.11.2020, the FIR has been registered on 24.11.2020 and there is no satisfactory explanation for the delay in lodging the FIR. After the victim girl was traced, she recorded her statement under Section 161 Cr.P.C. before the police and she did not say any word against the petitioner, though she stated that she was in love with the petitioner for last one year and she went with him and solemnized marriage with him. However, while recording her statement under Section 164 Cr.P.C., the victim girl changed her statement under pressure from her parents and she stated that she was forcibly taken by the petitioner. The learned counsel further submits that the victim was medically examined and her age was assessed to be 15-16 years and no medical evidence of sexual assault was found on her. The learned counsel further submits that the petitioner never kidnapped the victim girl, rather the victim herself eloped with the petitioner due to love affair with the petitioner. The co-accused Kishore Kumar Mandal has been granted bail by a Coordinate Bench of this Court vide order dated 21.09.2021 passed in Cr. Misc. No. 20480 of 2021. The petitioner is in custody since 25.11.2020 and the charge sheet has been



submitted in this case.

Learned APP opposes the prayer for bail submitting that the victim is a minor and her consent is immaterial. Moreover, she has stated in her statement recorded under Section 164 Cr.P.C. that the petitioner forcibly took her away. The learned APP further submits that it appears from the rejection order of the bail by the learned trial court that the victim has deposed that the petitioner has raped her and it has also been noted that the victim is a minor.

Perused the records.

Having regard to the facts and circumstances and considering the specific nature of allegation against the petitioner which is quite serious and grave and shows commission of rape by the petitioner with minor victim girl, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for bail is rejected.

(Arun Kumar Jha, J)

V.K.Pandey/-

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