

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27566 of 2023

Arising Out of PS. Case No.-318 Year-2021 Thana- RIGA District- Sitamarhi

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Gautam Kumar @ Gautam Kumar Raut Son of Ganaur Raut Resident of
village-Bhagwanpur, P.S.-Bathanaha, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
22.04.2022 in connection with Riga P.S. Case No. 318 of 2021,
F.I.R. dated 14.09.2021 for the offences punishable under
Sections 346, 366(A), 376 and 506/34 of the Indian Penal Code
along with Section 4 and 6 of the POCSO Act.

3. According to prosecution case, the daughter of the
informant was said to have been kidnapped for marriage and
sexually molested by the petitioner.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner has not committed any offence as alleged in the F.I.R.

5. Learned counsel for the State on the other hand on



the basis of material on record and Case Diary vehemently opposed the prayer and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C., in which she has categorically stated that the petitioner has committed rape upon her.

6. Vide order dated 20.07.2023, a report was called regarding the stage of the trial. Report dated 05.08.2023 of the learned trial court reveals that four witnesses have been examined by the learned trial court.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

8. Considering the report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with Riga P.S. Case No. 318 of 2021 pending in the court of learned Court of Additional District Judge – VIth – cum- Special Judge (POCSO), Sitamarhi.

9. Prayer is refused.

10. However, the learned Trial Court is directed to expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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