

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17287 of 2024

In
CRIMINAL APPEAL (SJ) No.5236 of 2023

Arising Out of PS. Case No.-282 Year-2023 Thana- FALKA District- Katihar

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Gautam Kumar Son Of Budho Sah Resident Of Village- Falka, Ps- Falka,
Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 14-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Falka P.S. Case No. 282 of 2023, lodged on 06.08.2023, under Sections 376/313/504/506/34 of the Indian Penal Code, under Section 4 of the POCSO Act and under Section 3(i)(r)(s) of the SC/ST Act.

3. As per the prosecution, FIR has been lodged against the sole petitioner against whom allegation is that the petitioner made physical relation with the informant's minor daughter on the pretext of marriage.

4. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean. He is in custody since



07.08.2023. Counsel submits that no occurrence as alleged by the informant has never taken place and the petitioner has been made escape goat in the present case. Counsel submits that victim is major but her age has been wrongly shown as 14 years. Counsel submits that petitioner is ready to abide all the conditions imposed by the Court.

5. Learned counsel for the State opposes the prayer for bail and submits that the victim is minor and the offence committed against the victim is heinous and in absence of the informant the petitioner forcibly fed the medicine to the victim due to which her pregnancy was terminated. Counsel further submits that the victim in her statement under Sections 161 and 164 Cr.P.C. supported the case of the prosecution.

6. Considering the nature of offence, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby rejected. However, liberty is granted to the petitioner that he may renew his prayer for bail after framing of the charge.

(Dr. Anshuman, J)

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