

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26656 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- MAHILA PS District- Gaya

Kamaldev Prasad Son Of Kalyug Mahato Resident Of Village - Hardawan,
P.O. - Hardawan, P.S. - Bahera (O.P.), Dobhi, District - Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 10-09-2024 Heard learned counsel for the petitioner, learned counsel for
the informant and learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Gaya Mahila P.S. Case No. 68 of 2023, registered for the offences punishable under Sections 376, 376(AB) of the Indian Penal Code and Section 4/6 of the Protection of Children from Sexual Offence Act.

3. As per allegation, when the informant's daughter went towards the Falgu river near the village to graze goats, on the pretext of offering chocolate, the petitioner committed illegal act with the informant's daughter. When she raised alarm, the petitioner fled away.

4. Learned counsel for the petitioner submits that the medical report does not suggest penetrative sexual assault and even sign of violence was not found in medical report. At best, the case may come under the purview of Section 8 which



provides the punishment for sexual assault punishable up to 3 to 5 years and the petitioner is under custody for one year. It has also been submitted that the mental condition of the petitioner is not good and he was under treatment for his psychiatric problem. It transpires from question no.3 of the deposition of the victim that the petitioner is under custody for one year.

5. On the other hand, learned counsel for the informant and learned APP for the State opposed the prayer for bail.

6. The report regarding status of the case, called for from the court below, has been received which shows that out of 9 prosecution witnesses only 2 witnesses have been examined. It appears that the trial is going on with snail pace.

7. The learned court below has also mentioned in its report that the trial is likely to be concluded within nine months.

8. Considering the aforesaid facts and circumstances, this bail application is disposed of with the observation that if the trial is not concluded within the stipulated period of nine months, the petitioner may renew his prayer for bail.

(Nawneet Kumar Pandey, J)

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