

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40507 of 2024

Arising Out of PS. Case No.-121 Year-2024 Thana- RAFIGANJ District- Aurangabad

Jagarnath Gautam @ Jagat Nath Gautam S/O Nand Kishor Prasad Gupta @
Nand Kishor Gupta Village- Ker, P.S.- Konch, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Lal Son of Devnandan Lal R/o Village- Charkupa, P.S.-
Rafiganj, District- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Binay Kumar, Advocate Mr. Avinash Gautam, Advocate
For the State	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 27-08-2024 Heard Mr. Krishna Pd. Singh, learned senior counsel
appearing on behalf of the petitioner and Mr. Umeshanand
Pandit, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 363 and
366A of the Indian Penal Code and Sections 8 and 12 of the
POCSO Act.

3. As per prosecution case, minor daughter of
informant was kidnapped by this petitioner for evil purposes.

4. It is submitted by learned senior counsel appearing
on behalf of the petitioner that petitioner is innocent and has
falsely been implicated in this case. Petitioner is working as a



Government teacher since 14.02.2014 in different schools of Rafiganj Block and is now working in Middle School Charkuppa as a headmaster since 21.06.2018 and there has been no complaint from any corner in the last 10 years. As a matter of fact, the victim girl was absent from her house without any information from 28.03.2024 at about 4:30 and returned on 01.04.2024 and in between, this petitioner was not witnessed by anyone with the victim. It is further submitted that petitioner being very strict in discipline, in order to harass and humiliate him, this false and concocted case has been lodged. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific accusation that he kidnapped the minor daughter of the informant and committed rape. It is further submitted that the aforesaid fact has also been supported by the victim in her statement recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she was forcibly taken to Ranchi by this petitioner and thereafter, he committed rape.

6. Considering the aforesaid facts and circumstances,



nature of accusation and statement of victim recorded under
Section 164 of the Cr.P.C., the prayer for grant of anticipatory
bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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