

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49327 of 2024

Arising Out of PS. Case No.-78 Year-2022 Thana- MAHILA PS District- Gaya

Golu Kumar S/o Lal Bahadur Prajapati @ Lal Bahadur Kohar R/o vill -
Dhadhaniya, P.S. - Bhabua, Distt. - Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramshankar R/o village- Karaudiya, P.S. - Sonbhadra, Distt.- Sonbhadra
(Roygarh), state- Uttar Pradesh

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyaveer Jha, Adv.

For the Opposite Party/s : Mr. Sadanand Paswan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 29-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Gaya Mahila P.S. Case No. 78 of 2022 dated 09.09.2022 registered for the offences punishable under Sections 376, 114, 366, 366A read with Section 34 of the Indian Penal Code, Section 06 of POCSO Act, Section 3(1)(r)(s)(w)(i), 3, 2(v-a) of SC/ST Act and Section 3, 4, 5, 6 and 7 of Immoral Trafficking Act.

3. As per the prosecution case, the co-accused Leelabati Devi took the informant to Bhabhua in the house of the petitioner where the petitioner forcibly committed rape on



the informant. It is further alleged that all the co-accused persons forced to engage her in flesh trade. On being objected, they assaulted the informant and locked her in a room. However, she somehow managed to flee away on pretext of going to attend call of nature.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel for the petitioner has further submitted that vide Letter No.568 dated 04.10.2024, the four charge-sheeted witnesses including the victim have already been examined. It is further submitted that the said trial may be concluded within three months. Nothing has been recovered from the possession of the petitioner. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 09.09.2022. Earlier the prayer for grant of regular bail to the petitioner was rejected by the Co-ordinate Bench vide order dated 05.07.2023 passed in Cr. Misc. No. 69914 of 2022.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner and submitted that as per statement of the victim, which is mentioned at Para-01 of the case diary



wherein she stated that she is aged about 14 years and the petitioner without her consent forcibly made physical relationship with her. It is further submitted that the co-accused also forced her to make physical relation with other customer.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence against the petitioner, this court is not inclined to grant bail to the petitioner and the same is rejected in connection with Gaya Mahila P.S. Case No. 78 of 2022, pending in the Court of learned Additional District Sessions Judge-VI-cum-Special Judge (POCSO Act), Gaya.

(Chandra Prakash Singh, J)

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