

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64551 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- BAGHA District- West Champaran

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KARAN KUMAR@ KARAN KAMAR GUPTA S/O RAKESH GUPTA R/O
VILLAGE- RAMDHAM MANDIR, PS. BAGAHA, DIST. WEST
CHAMPARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anant Kumar Mishra, Adv.
For the State	:	Mr.Narendra Kumar Singh, APP
For the O.P. No. 2	:	Mr. Sunil Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 09-08-2024 Heard the learned counsel for the petitioner and the learned A.P.P. for the State as also the learned counsel for the informant.

2. This is an application for grant of regular bail in connection with Bagaha P.S. Case No. 174 of 2023, registered for the offences punishable under Sections 366(A), 34 of the Indian Penal Code and Sections 7, 8 of the POCSO Act.

3. The accused persons including the petitioner are alleged to have kidnapped the daughter of the informant, when she had gone to the market to purchase some articles.



4. The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that a bare perusal of the statement made by the victim girl under Section 164 Cr.P.C. would show that the incident of the petitioner having eloped with the victim girl was consensual, inasmuch as the victim girl has stated therein that she was taken to Haryana by the petitioner where they had stayed together for 18 days.

5. Per contra, the learned counsel appearing for the informant / the victim girl as also the learned APP for the State have vehemently opposed the prayer for bail and have submitted, by referring to the case diary of the present case that ample materials are available on record to point out towards the complicity of the petitioner in the alleged occurrence. It is also submitted that upon medical examination, the victim girl has been stated to be 17 years of age and moreover, her 10th and 12th certificate mentions her date of birth to be 12.1.2006, thus, she was around 17 years of age as on the date of incident i.e. 13.3.2023, hence, any consent of a minor is immaterial / irrelevant as also is not valid in the eyes of law. It is further submitted, by referring to the statement made by the victim girl



under Section 164 Cr.P.C. before the learned Magistrate that the prosecutrix / the victim girl has stated therein that the petitioner had kidnapped her on 13.3.2023, when she had gone to the market to purchase maggi, whereafter, she was tied up and kept by the petitioner at at his own home, where he had also established physical relation with her, whereupon he had taken her to Haryana and kept her there for 18 days as also used to establish physical relationship with her on each and every day till her father had arrived, leading to the petitioner fleeing away. In such view of the matter, it is submitted that there are ample materials to connect the petitioner with the heinous crime, he has committed, hence, he should not be granted bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that the victim girl, in her statement made under Section 164 Cr.P.C., before the learned Magistrate, has categorically levelled allegation against the petitioner of him having kidnapped her and thereafter, raped her continuously, apart from the fact that there are ample materials in the case diary to prima facie show the involvement / guilt of the petitioner in the alleged occurrence, hence, I do not find any



reason to grant bail to the petitioner, thus, the present petition
stands dismissed, being bereft of any merit.

(Mohit Kumar Shah, J)

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