

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55830 of 2024

Arising Out of PS. Case No.-312 Year-2023 Thana- IMAMGANJ District- Gaya

Purushottam Kumar Prabhat @ Purushottam Kumar, S/O Arbind Kumar Sinha @ Nilu Prasad, R/O Village- Moneyan, P.O- Pananiyan, P.S- Imamganj, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shilpa Kumari D/O Jityendra Singh R/O Village- Moniyan, P.O- Pananiya, P.S- Imamganj, Distt.- Gaya.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72420 of 2024

Arising Out of PS. Case No.-312 Year-2023 Thana- IMAMGANJ District- Gaya

Golu Kumar @ Prinsh Kumar @ Prince Kumar S/o Arun Prasad R/o Village- Moneya, P.S.- Imamganj, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shilpa Kumari D/o Jitendra Singh R/o Village- Moneya, ps- Imamganj, District- Gaya

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55830 of 2024)

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 72420 of 2024)

For the Petitioner/s : Mr.Awadhesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

5 05-12-2024

Re. Criminal Miscellaneous No. 55830 of 2024.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks regular bail in connection with

Imamganj Town P.S. Case No. 312 of 2023, lodged on

30.11.2023 under Sections 354B, 354D, 504/34 of the Indian



Penal Code read with Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the petitioner submits that the prayer for regular bail of the petitioner has earlier been rejected vide order dated 24.04.2024, passed in Criminal Miscellaneous No. 14013 of 2024.

4. In pursuant to order dated 07.08.2024, a report through letter No. 280 dated 22.08.2024 from the Exclusive Special Judge POCSO cum Additional Sessions Judge-VII, Gaya has been received indicating therein that the present case (Imamganj P.S. Case No. 312 of 2023) is pending for appearance of accused Golu Kumar and in order to secure appearance of Golu Kumar, process under Section 83 of the Code of Criminal Procedure have been issued.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner in connection with Imamganj P.S. Case No. 312 of 2023, pending before the learned Exclusive Special Judge, POCSO- cum -Additional Sessions Judge-VII, Gaya is hereby



rejected.

8. However, the petitioner would be at liberty to renew his prayer for bail three months after framing of charge, if not framed.

Re. Criminal Miscellaneous No. 72420 of 2024.

Heard learned Counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending arrest in connection with Imamganj P.S. Case No. 312 of 2023 registered on 30.11.2023 for the offenses punishable Sections 354B, 354D, 504/34 of the Indian Penal Code read with Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

3. As per the prosecution, the F.I.R. has been lodged against three named accused persons including the petitioner with an allegation of outraging the modesty of the victim alleged to be minor and threatened her to make her photographs and video viral.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. In fact, the victim had a love affair with co-accused Navjot who is neighbour of the informant, but maliciously the present allegation has been levelled. The antecedent of the petitioner is



clean.

5. Learned APP for the State vehemently opposes the prayer for bail.

6. Considering the nature of allegation and the fact that the process under Section 83 of the Cr.P.C. has been issued against the petitioner as indicated in the report of the Exclusive Special Judge POCSO cum Additional Sessions Judge-VII, Gaya received through Letter No. 280 dated 22.08.2024, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Imamganj P.S. Csa No. 312 of 2023, pending before the learned Exclusive Special Judge, POCSO- cum -Additional Sessions Judge-VII, Gaya is hereby rejected.

7. However, petitioner is directed to surrender before the Trial Court within a period of six weeks from today. In case, the petitioner, surrenders within six weeks, then the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day without being prejudiced that the anticipatory bail of the petitioner has been rejected by this Court

(Dr. Anshuman, J)

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