

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78523 of 2024**

Arising Out of PS. Case No.-21 Year-2021 Thana- MAHILA PS District- Jehanabad

Gautam Kumar @ Gautami Kumar S/O Ramashis Sharma @ Ramashish  
Sharma Resident of village - Murhara, P.S- Shakurabad, Dist.- Jehanabad  
... .. Petitioner/s

Versus

1. The State of Bihar
2. Father of the Victim- cum - informant N/A Resident of village - Murhara,  
P.S- Shakurabad, Dist.- Jehanabad

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No.2, Adv.  
Mr.Aryan Singh, Adv.  
For the Opposite Party/s : Mr.Binay Krishna, SPL PP.

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      14-11-2024                      Heard Mr. Manish Kumar No.2, learned counsel  
  
                                         appearing on behalf of petitioner and Mr. Binay Krishna,  
  
                                         learned Spl. PP for the State.

2. The petitioner is in judicial custody in connection  
with Special POCSO Case No. 30/2021 arising out of Jehanabad  
(Arwal) Mahila P.S. Case No. 21 of 2021 for the offences  
punishable under Sections 376 and 506 of the Indian Penal  
Code, sections 4 and 6 of the POCSO Act and sections 3(1)(r)(s)  
(w) / 3(2)(va) of the SC/ST Act, lodged on 17.04.2021 by the  
informant.

3. As per the prosecution story, the informant alleged  
that when his minor daughter had gone to attend nature's call,  
she did not return, search was made, as she came back disclosed  
about the wrong done by this petitioner which led to the FIR.

4. Learned counsel for the petitioner submits that the



trial is going on and the victim girl has narrated the sequence which does not match with the FIR inasmuch as while the informant has given the time as 11:00 PM, in the deposition the victim girl is talking about the midnight hours. Further, in the deposition she has claimed that he tried to commit rape but she anyhow, freed herself and rushed away towards home.

5. Learned Spl.PP, on the other hand, submitted that the case was lodged in the year 2021 and two years later, the petitioner chose to come to judicial custody coupled with the fact that thereafter, he also committed crime which reflects from paragraph-3. Further, he submits that the trial is continuing and the it would be appropriate that he co-operates in the trial.

6. Considering the submissions put forward by the parties as also the allegation that has come coupled with the submission put forward by the learned Spl PP, it would be appropriate that the petitioner faces trial.

7. Accordingly, the bail application stands rejected.

8. It is expected from the trial court that the trial shall be concluded at an earliest.

**(Rajiv Roy, J)**

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