

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1231 of 2025

Arising Out of PS. Case No.-15 Year-2023 Thana- MAHNAR District- Vaishali

Gautam Kumar S/o Vishuni Sah R/o Village- Supaul Giri Tola, P.S.- Patori,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 08-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with S. Tr.
No. 190 of 2024 in Mahnar P.S. Case No. 15 of 2023 arising
out of Complaint Case No. C1 3724 of 2022 instituted for the
offences under Sections 366, 363, 376, 342, 379 of the I.P.C.

3. As per prosecution case, the accusation against the
petitioner is of kidnapping the Complainant and committing
rape with her continuously.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
due to local politics at the instance of his enemies and police



maneuvering. Learned counsel for the petitioner further submits that the date of occurrence of kidnapping is 21.10.2022 and the Informant/Complainant has filed the case before the learned Chief Judicial Magistrate, Vaishali on 05.12.2022 i.e. after inordinate delay of forty-four days which creates doubt in the veracity of the prosecution case. After kidnapping, no case was filed before the police or the court which also creates doubt in the prosecution case. The offence of kidnapping and rape are not applicable in the present case as the petitioner has never kidnapped the victim girl. The victim girl has not gone through the medical examination and, as such, there is no medical report so as to support the prosecution case. The victim girl has given her statement under Section 164 Cr.P.C. under due pressure of her family members to make pressure upon the petitioner to extort money. He further submits that in course of investigation, not a single independent witness has come forward to support the prosecution case. There is also not a single iota of evidence in the entire record of this case showing complicity of the petitioner in the alleged occurrence. The charge has been framed on 22.03.2024 but, thereafter, there is no progress in the trial. The petitioner has no criminal antecedent and is languishing in judicial custody since 16.12.2023 without any rhymes or reason.



5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. The victim girl in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case. The charge has been framed on 22.03.2024.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S. Tr. No. 190 of 2024 in Mahnar P.S. Case No. 15 of 2023 arising out of Complaint Case No. C1 3724 of 2022, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates



without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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