

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4033 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Chhatish Kumar @ Satish Kumar S/o- Babu Lal Mahto Resident of village-
Patla Ward No 12, PS-Khodabandpur Chhaurahi OP District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash Mahto S/o- Late Lakhan Mahto Village- Kapan W.No-5,
Bibhutipur Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Abhay Shanker Singh, Adv.
For the Opposite Party/s	:	Mr.Kanhiya Kishor, APP
For the O.P. No.2	:	Mr. Rajaram Mishra, Adv. Mr. Raj Kumar, Adv.

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

ORAL ORDER

4 23-04-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Bibhutipur P.S. Case No. 213 of 2024 instituted for the offences

under Sections 363, 366A, 376/34 of the Indian Penal Code and

Section 4 of the POCSO Act.

3. As per prosecution case, the co-accused Gautam

Kumar abducted the victim minor girl and was being kept at the

residence of the Chhatish Kumar (the petitioner) in Himachal

Pradesh. It is further alleged that the victim was recovered from



Himachal Pradesh where the petitioner was also apprehended.

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. The victim girl is the grand-daughter (Natini) of the Informant. Learned counsel for the petitioner submits that the victim girl has been recovered from Himachal Pradesh and, in her statement recorded under Section 183 of the B.N.S.S., she has clearly stated that she on her own will had left the house and also got married with the petitioner in a temple and they were living in a rented house. She has also not made any allegation of kidnapping against the petitioner. From perusal of the medical report, it appears that the doctor has found the victim girl to be a major and has also not found any sign of recent sexual assault. In the Matriculation certificate, her date of birth is 20.10.2006 and, thus, she is major. The petitioner has no criminal antecedent and is languishing in judicial custody since 13.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the victim girl was minor at the time of occurrence and thus, her statement has no meaning in



the eye of law. The police has recovered the victim girl from Himachal Pradesh along with the petitioner and the co-accused Gautam Kumar. Learned counsel for the State further submits that the prayer for bail of the co-accused namely Gautam Kumar has already been rejected by this Court vide order dated 27.02.2025 passed in Cr. Misc. No. 84419 of 2024. The offence alleged is serious in nature and, hence, the petitioner does not deserve bail.

6. At this stage, learned counsel for the petitioner submits that the trial is in progress and two witnesses have already been examined.

7. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account that the trial is already in progress, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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