

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5172 of 2025

Arising Out of PS. Case No.-124 Year-2024 Thana- KHAGAUL District- Patna

Gautam Kumar @ Gautam Singh Son of Late Bhagwati Singh Village
-Masaurhi, Kosut, P.S-. Dhanarua, District -Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amar Kumar Sah son of Late Vishwanath Prasad Sah village- Bari Khagaul,
Mulchari Asthan, Ps- Khagaul, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinay Mistry, Adv.
For the State	:	Mr.Narendra Kumar Singh
For the Informant	:	Mr. Jitendra Kr. Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 29-04-2025 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 Special
(POCSO) Case No. 277 of 2024 arising out of Khagaul P.S.
Case No. 124 of 2024 instituted for the offences under Sections
363, 365, 370 of the Indian Penal Code and Sections 4, 6, 8 of
the POCSO Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of taking away the
13-years-old minor daughter of the Informant by enticing her.

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 Informant is the father-in-law (sasur) of the petitioner. The victim girl in her statement recorded under Section 161 of the Cr.P.C. has stated that she left her house on her own will due to torture being meted out by her father. She has also not made any specific allegation of any overt act against the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 14.11.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

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 offence alleged against the petitioner is serious in nature. The victim girl is minor. Learned counsel for the State further submits that though the victim girl in her statement recorded under Section 164 Cr.P.C. has not made any specific allegation against the petitioner of being involved in her kidnapping but, has directly accused the petitioner of doing wrong things with her. The victim girl in her statement recorded under Section 161 Cr.P.C. has also made



allegation against the petitioner of committing indecent act with her. The Investigating Officer, after completion of investigation has submitted charge-sheet under Sections 363, 365, 370 of the I.P.C. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statement of the victim girl recorded under Sections 161 & 164 of the Cr.P.C., this Court is not inclined to grant bail to the petitioner.

7. 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 preferably within a period of six months from today. If the trial is not concluded within the period of six months as stated above, the petitioner will be at liberty to renew his prayer before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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