

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19859 of 2025

Arising Out of PS. Case No.-192 Year-2022 Thana- BARHIYA District- Lakhisarai

GAUTAM BHARTI S/O LATE RAJENDRA SAW, RESIDENT OF
VILLAGE- BARAHIYA, WARD NO.14, P.S.- BARAHIYA, DISTRICT-
LAKHISARAI

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lakhan Saw S/o- Bano Saw R/o- Nagar Parishad Barhiya PS- Barhiya
District- Lakhisarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Surya Narayan Sah, Advocate
For the Opposite Party/s :	Mr. Nirmala Kumari, APP
	Mr. Kumar Shanu, Advocate
	Mr. Kumar Abhishek, Advocate
	Mr. Shubham, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-05-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party
no.2.

2. The petitioner has renewed his prayer for grant of
regular bail in connection with POCSO Case no. 6 of 2023,
arising out of Barahiya P.S. Case no. 192 of 2022 registered
under sections 366A and 34 of the Indian Penal Code to which
section 376 of the Indian Penal Code and section 4 of the
POCSO Act was added subsequently.

3. As per the prosecution case, the petitioner is said to
have taken away the 15 year old minor daughter of the



informant and of having raped her.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 10.1.2024 (Annexure-1) passed in Cr. Misc. no. 83059 of 2023. The petitioner has been falsely implicated in the case and has no criminal antecedent. It is submitted that though the trial has progressed, however the victim has given her statement under the pressure of her parents. The petitioner is in custody since 15.11.2022 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the opposite party no.2. Learned counsel for the opposite party no.2 submits that the trial has progressed in the learned trial Court and six witnesses, including the victim, have been examined. The victim not only supported the prosecution case in her statement under section 164 of the Cr.P.C. but has also supported the case in her deposition in course of trial.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegations against the petitioner together with the contents of the deposition of the prosecution witnesses and the trial having progressed with examination of six prosecution witnesses in the learned trial



Court, the Court is not inclined to enlarge the petitioner on bail
and the application is rejected.

(Partha Sarthy, J)

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