

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24824 of 2025

Arising Out of PS. Case No.-172 Year-2020 Thana- KARAHGAR District- Rohtas

Sumit Kumar Gupta @ Kallu Gupta @ Pakchu Gupta @ Rajbali Kumar Son
of Kamlesh Gupta @ Kamlesh Sah Resident of Village - Gori, Police Station -
Kargahar, District - Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Sharma Son of Late Kapil Sharma R/o- Gori, P.S.- Kargahar, Distt.-
Rohtas, Pin - 821107.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rakesh Kumar Mishra, Advocate
For the Opposite Party/s :	Mr. Abhay Kumar Roy, APP
For the Informant :	Mr. Ashutosh Tripathy, Advocate

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

ORAL ORDER

4 31-07-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with
Kargahar P.S. Case No. 172 of 2020, instituted for the offences
punishable under Sections 366, 506, 363, 366(A), 376/34 of the
Indian Penal Code and Section 8 of POCSO Act.

3. The prosecution case, in short, is that the petitioner
lured informant's daughter for the purpose of marriage and
committed rape upon her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that there is delay of 14 days in lodging the FIR. The allegation levelled against the petitioner is general and omnibus in nature. It is further submitted that the victim was missing from her house with Rs. 70,000/- cash along with some ornaments and has eloped on her own will. The petitioner is in custody since 15.03.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submits that there is specific allegation against the petitioner of committing rape upon the victim girl. The victim has also supported the prosecution case in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is further submitted that medical report of the victim also corroborates with the allegation made against the petitioner. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence,



this Court is not inclined to grant bail to the petitioner at this stage.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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