

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54584 of 2024

Arising Out of PS. Case No.-119 Year-2024 Thana- NAVINAGAR District- Aurangabad

Gautam Ram @ Chhottu @ Goutam Kumar Ram @ Gautam Kumar, Male,
aged about 20 years, S/o- Dawarika Ram, R/O Village- Manjhiyawan, P.S.-
Nabinagar, Dist- Aurangabad

... .. Petitioner

Versus

1. The State of Bihar
2. Jagdish Paswan, son of Late Ram Raj Paswan, R/O Village- Manjhiyawan,
P.S.- Nabinagar, Dist- Aurangabad

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Shailesh Kumar Singh, Advocate
For the O.P. No. 2	:	Mrs. Nutan Jha, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 17-04-2025 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned A.P.P. for the
State.

2. The petitioner seeks bail in connection with
Aurangabad Nabinagar P.S. Case No. 119 of 2024 dated
14.04.2024 registered for the offences punishable under
Sections 363, 366A, 504 of the I.P.C. and Sections 8 and 12 of
the POCSO Act.

3. As per the prosecution case, on 08.04.2024 at about
7.00 A.M., when the informant alongwith his wife and two sons
went to harvest khesari crop, his daughter aged about 15 years



and old mother were at home. When at about 12.00 o'clock in the noon, the informant returned to his home, he has not found his daughter at home. On search, on 10.04.2024, they heard that Gautam Ram (petitioner) sent Rs. 1500/- to the co-accused Nitish Kumar to give it to the daughter of the informant and accordingly, the co-accused Nitish Kumar gave it to the daughter of the informant and Nitish on asking admitted it and abused the informant and pushed him away. The petitioner Gautam Ram and the co-accused Nitish Kumar kidnapped the minor daughter of the informant by enticing her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged occurrence took place on 08.04.2024 as to when the F.I.R. has been lodged on 14.04.2024 and the delay in lodging of the F.I.R. has not been explained by the prosecution. The victim in her statement recorded under Section 164 of the Cr.P.C., she has stated that the petitioner has not kidnapped her. There is nothing on record to show that the victim was forced to have illicit relationship with any person. The petitioner is a student of Intermediate. There is no specific allegation against the petitioner and only on the basis of suspicion, he has falsely been implicated in the



present case. There is only allegation against the petitioner that he gave money to the co-accused Nitish Kumar to give it to the informant's daughter and accordingly he gave the same to the victim and except this there is no other substantive evidence to suggest the implication of the petitioner in the present case. It is further submitted that the other co-accused Nitish Kumar Thakur @ Nitish Kumar has already been granted bail by a Bench of this Court vide Cr. Misc. No. 67930 of 2024 under order dated 17.02.2025. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 15.04.2024.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the bail petition of the petitioner. Learned counsel for the opposite party no. 2 has further submitted that the petitioner and the co-accused Nitish Kumar Thakur @ Nitish Kumar have kidnapped the minor daughter of the opposite party no. 2 and took her to other place.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Exclusive Judge, POCSO, Aurangabad, Bihar in connection with Aurangabad Nabinagar P.S. Case No. 119 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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