

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No. 4532 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- RAJAOLI District- Nawada

Gautam Kumar @ Gautam Sagar Son of Ashok Kumar @ Doctor Shambhu
Kumar Resident Of Village Ganga Bigha Ps Rajauli Dist Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Ritik Kumar S/o Upendra Rajbanshi R/o vill - Barhar, P.S. - Rajauli, Distt. -
Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sheo Kumar Prasad, Advocate
For the State : Mr. Usha Kumari 1, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 02-12-2025 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State and learned counsel for
the informant / respondent no. 2.

2. This appeal is preferred against the order dated
09.08.2023 passed by the learned Additional District and
Sessions Judge, VI-cum Special Judge (POCSO) Act, Nawada
in A.BP. No. 2046 of 2023 in connection with Rajauli P.S. Case
No. 137 of 2023 registered for the offence under sections 143,
147, 149, 341, 232, 354(A), 354(B), 307, 504, 506 of the Indian
Penal Code; section 27 of the Arms Act and Sections 3(i)(v)(s),
3(2)(v) of the S.C./S.T. Act, by which the prayer of the appellant
for grant of anticipatory bail has been rejected.



3. The allegation against the appellant is that around 30 unknown persons had abused and assaulted some girls and misbehaved with them. After raising *hulla*, the accused persons had abused the girls by taking their caste name and threatened them.

4. It submitted by the learned counsel for the appellant that the appellant has no criminal antecedent and that he is not even named in the FIR and his name has surfaced only on the basis of confessional statement of of one Ranjan Yadav and his family members. There is no specific allegation attributed to the appellant.

5. It is further submitted that the appellant is a student of KLS college and the occurrence had taken place over a dispute on the playground among village boys.

6. Learned Special Public Prosecutor for the State and learned counsel for the informant opposed the prayer of the appellant for grant of bail.

7. Having considered the submissions of learned counsel for the appellant and perused the FIR, and considering the fact that the appellant is neither named in the FIR nor any specific allegation is attributed to the present appellant as well as considering the facts that similarly situated co-accused



persons namely, Sachin Kumar, Akhlesh Kumar @ Akhilesh Kumar have been granted anticipatory bail by a co-ordinate Bench of this Court, this Court is inclined to grant anticipatory bail to the appellant

8. Accordingly, this appeal is allowed and the impugned order dated 09.08.2023 is hereby set aside.

9. Let the appellant, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, VI-cum Special Judge (POCSO) Act, Nawada/ concerned Court, in connection with Rajauli P.S. Case No. 137 of 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

P. Kumar

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