

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73018 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- GOBARDHANA District- West Champaran

Suraj Kumar, S/o Akhilesh Mahto @ Akhileshwar Mahto, R/o vill - Bakhari
Bazar, P.S. - Gobardhana, Distt. - West Champaran, Bihar

... .. Petitioner

Versus

1. The State of Bihar
2. Pintu Kumari, W/o Sanish Kumar, R/o vill - Sonahan, P.S. - Gobardhana,
Distt. - West Champaran (Bihar)

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Apurva Kumar, Advocate
For the O.P. No. 2	:	Mr. Ram Kishun Pd., Advocate and Mrs. Sushma Saran, Advocate
For the State	:	Mr. Ram Sumiran Rai, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 21-03-2025 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
Gobardhana P.S. Case No. 03 of 2024 dated 15.01.2024
registered for the offences punishable under Sections 376, 363
of the I.P.C. and Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged
to have kidnapped the minor daughter of the informant and took
her away on the motorcycle in the forest and committed rape on
her.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the informant is not an eye witness to the alleged offence. There is no specific allegation against the petitioner and the seized motorcycle on which the victim was being taken away is not registered in the name of the petitioner rather the same is registered in the name of one Prabhu Kumar. There is not a single witness to support the prosecution case. There is dispute between the parties. It is submitted that the charge sheet has been submitted against the petitioner in the present case. It is further submitted that the during the course of trial, the informant (P.W.1), has been examined and she has deposed in her deposition a different story of occurrence which falsifies the entire prosecution case. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 17.01.2024.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the prayer for bail petition of the petitioner. Learned counsel for the opposite party no. 2 has further submitted that the petitioner is named in the F.I.R. and he forcibly took the minor daughter of the opposite party no. 2 on the motorcycle in the forest and



committed rape on her. The victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case and heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Gobardhana P.S. Case No. 03 of 2024, pending in the court of learned Additional Sessions Judge-VIIth-cum-Special Judge, (POCSO), West Champaran, Bettiah.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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