

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69883 of 2025**

Arising Out of PS. Case No.-512 Year-2025 Thana- DANAPUR District- Patna

Kapil Gupta S/O Sri Daya Shankar Gupta R/O Mohalla Chhar Bag, Ward No. 3, Bohra Bazar Hanuman Mandir, P.S- Shyopur, Distt.- Shyopur (Madhya Pradesh). ... .. Petitioner/s

Versus

1. The State of Bihar.
2. Krishna Kumar S/O Late Surlidhar Ram R/O Nariyal Ghat Takiyapar, Ward No. 28, Digha, P.S- Danapur, Distt.- Patna. ... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 65259 of 2025**

Arising Out of PS. Case No.-512 Year-2025 Thana- DANAPUR District- Patna

Puja Devi W/o Sudarshan Paswan R/o Village- Barni, P.S.- Charpokhari, Distt- Bhojpur. ... .. Petitioner/s

Versus

1. The State of Bihar.
2. Krishna Kumar S/o Late Surlidhar Ram R/o vill - Nariyal Ghat Takiyapar, ward no. 28, P.O. - Digha, P.s.- Danapur, Distt.- Patna. ... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 72348 of 2025**

Arising Out of PS. Case No.-512 Year-2025 Thana- DANAPUR District- Patna

GAURAV GOYAL Son of Uday Bhan Goyal R/o Shyopur, P.S.- Shyopur, Dist.- Shyopur (Madhya Pradesh). ... .. Petitioner/s

Versus

1. The State of Bihar.
2. Krishna Kumar Son of Late Surlidhar Ram, Narial Ghat, Takiyapar, Ward - 28, P.S.- Danapur, Patna. ... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 74508 of 2025**

Arising Out of PS. Case No.-512 Year-2025 Thana- DANAPUR District- Patna

Upendra Kumar @ Niranjan Kumar S/o Lakshman Singh R/o Village - Munda, P.S. - Dinara, District - Rohtas (Sasaram). ... .. Petitioner/s

Versus

1. The State of Bihar.
2. X S/o Y R/o Mohalla - Nariyal Ghat Takiyapar, Ward No. 28, P.O - Digha, P.S - Danapur, District – Danapur. ... .. Opposite Party/s



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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 69883 of 2025)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate  
Ms. Vaishnavi Singh, Advocate  
Mr. Ritwik Thakur, Advocate

For the Opposite Party/s : Mrs. Usha Kumari 1, Spl. PP

For the Informant : Mr. Sambhav Gupta, Advocate

(In CRIMINAL MISCELLANEOUS No. 65259 of 2025)

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. PP

(In CRIMINAL MISCELLANEOUS No. 72348 of 2025)

For the Petitioner/s : Mr. Kumar Jay, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 74508 of 2025)

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Binay Krishna, Spl. PP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4 01-12-2025

**Cr. Misc. No. 69883 of 2025**

Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in connection with Danapur P.S. Case No. 512 of 2025 registered for the offence under Sections 137(2), 140(3) of the Bharatiya Nyaya Sanhita, 2023, later on Sections 126(2), 115(2), 127(4), 142, 143, 144, 98, 99, 64, 111 of the Bharatiya Nyaya Sanhita, 2023, Sections 3(1)(r)(s) (w) and 3(2)(v) of the SC and ST Act, Sections 4, 5, 6, of Prevention of Immoral Traffic Act and Sections 4, 6, 8, 10, 12 of Protection of Children from sexual offences (POCSO) Act was added.

3. The accused/petitioner is not named in the F.I.R. and



is in custody since 27.06.2025.

4. As per FIR, the minor daughter of the informant aged about 17 years was found missing from her home since 16.05.2025, for which the present FIR in issue was lodged on 17.05.2025. During investigation, victim raised allegation of sexual assault and trafficking alongwith forceful marriage with one Mukesh Kumar of Rajasthan, against cash of Rs. 3 lakhs.

5. Learned counsel appearing on behalf of the petitioner submitted that no overt act appears attributed to petitioner and as merely he was present during sexual assault in alleged hotel, he was implicated with present case. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Explaining, criminal antecedent, it is pointed out that petitioner found involved in one more criminal case, where after trial he was acquitted and, as such, he may be said a man of clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Learned counsel appearing for the informant Mr. Sambhav Gupta, while opposing the prayer of bail submitted that this petitioner also actively involved in the occurrence but fairly conceded that no overt act out of statement of victim appears



available against this petitioner.

8. Considering the aforesaid factual submissions and by taking note of statement of victim recorded under Section 180 and also 183 of the BNSS, where *prima facie* no overt act appears attributed against this petitioner *qua* crime in question, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 27.06.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Danapur P.S. Case No. 512 of 2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VII-cum-Exclusive Special Judge (POCSO), Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

**Cr. Misc. No. 72348 of 2025**

1. Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Danapur P.S. Case No. 512 of 2025 registered for the offence under Sections 137(2), 140(3) of the Bharatiya Nyaya Sanhita, 2023, later on Sections 126(2), 115(2), 127(4), 142, 143, 144, 98, 99,



64, 111 of the Bharatiya Nyaya Sanhita, 2023, Sections 3(1)(r)(s) (w) and 3(2)(v) of the SC and ST Act, Sections 4, 5, 6, of Prevention of Immoral Traffic Act and Sections 4, 6, 8, 10, 12 of Protection of Children from sexual offences (POCSO) Act was added.

3. The accused/petitioner is not named in the F.I.R. and is in custody since 27.06.2025.

4. As per FIR, the minor daughter of the informant aged about 17 years was found missing from her home since 16.05.2025, for which the present FIR in issue was lodged on 17.05.2025. During investigation, victim raised allegation of sexual assault and trafficking alongwith forceful marriage with one Mukesh Kumar of Rajasthan, against cash of Rs. 3 lakh.

5. Learned counsel appearing on behalf of the petitioner submitted that no overt act appears attributed to petitioner and as merely he was present during sexual assault in alleged hotel, he was implicated with present case. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. It is submitted that petitioner found involved in one more criminal case, where he is on bail.



6. Learned APP opposed the prayer of bail.

7. Learned counsel appearing for the informant Mr. Sambhav Gupta, while opposing the prayer of bail submitted that this petitioner also actively involved in the occurrence but fairly conceded that no overt act out of statement of victim appears available against this petitioner.

8. Considering the aforesaid factual submissions and by taking note of statement of victim recorded under Section 180 and also 183 of the BNSS, where *prima facie* no overt act appears attributed against this petitioner *qua* crime in question, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 27.06.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Danapur P.S. Case No. 512 of 2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VII-cum-Exclusive Special Judge (POCSO), Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

**Cr. Misc. No. 74508 of 2025**

1. Heard learned counsel appearing on behalf of the



petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Danapur P.S. Case No. 512 of 2025 registered for the offence under Sections 137(2), 140(3) of the Bharatiya Nyaya Sanhita, 2023, later on Sections 126(2), 115(2), 127(4), 142, 143, 144, 98, 99, 64, 111 of the Bharatiya Nyaya Sanhita, 2023, Sections 3(1)(r)(s) (w) and 3(2)(v) of the SC and ST Act, Sections 4, 5, 6, of Prevention of Immoral Traffic Act and Sections 4, 6, 8, 10, 12 of Protection of Children from sexual offences (POCSO) Act was added.

3. The accused/petitioner is not named in the F.I.R. and is in custody since 27.06.2025.

4. As per FIR, the minor daughter of the informant aged about 17 years was found missing from her home since 16.05.2025, for which the present FIR in issue was lodged on 17.05.2025. During investigation, victim raised allegation of sexual assault and trafficking alongwith forceful marriage with one Mukesh Kumar of Rajasthan, against cash of Rs. 3 lakhs.

5. Learned counsel appearing on behalf of the petitioner submitted that as the vehicle of this petitioner was taken on hire basis for Rajasthan by main co-accused Mukesh Kumar, therefore, this petitioner was implicated with present crime in question. It is



submitted that this factual aspects also appears supported by other witnesses during investigation which further gets its strength from the statement of victim as recorded under Section 183 of the BNSS. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. It is submitted that petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Learned counsel appearing for the informant Mr. Sambhav Gupta, while opposing the prayer of bail submitted that this petitioner also actively involved in the occurrence but fairly conceded that no overt act out of statement of victim appears available against this petitioner.

8. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* no overt act appears only attributed against this petitioner by victim while recording her statement under Section 183 of the BNSS *qua* sexual assault or trafficking against petitioner, rather implication appears being driver of the hired vehicle, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 27.06.2025, accordingly, petitioner above named, is



directed to be released on bail in connection with Danapur P.S. Case No. 512 of 2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VII-cum-Exclusive Special Judge (POCSO), Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

**Cr. Misc. No. 65259 of 2025**

1. Considering the submission, for the better appreciation of fact, let a legible copy of the complete case diary alongwith statement of victim recorded under Section 183 of BNSS and medical report, if any, be called for in connection with Danapur P.S. Case No. 512 of 2025 from the court of learned District and Additional Sessions Judge-VII-cum-Exclusive Special Judge (POCSO), Patna, positively on or before next date of hearing.
2. Re-notify this case on 16.12.2025.

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**(Chandra Shekhar Jha, J)**

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