

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68943 of 2025

Arising Out of PS. Case No.-584 Year-2024 Thana- MAJHAULIA District- West Champaran

Gulshan Kumar S/o Bachcha Mahto R/o vill - Jaukatiya, P.S.- Majhauria,
Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabhat Kumar S/o Dinanath Baitha R/o Jaukatiya, P.S.- Majhauria, Distt.-
West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

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

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

ORAL ORDER

4 02-12-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Majhauria P.S. Case No. 584 of 2024 instituted for the offence
under Sections 96 & 65(1) of the Bharatiya Nyaya Sanhita,
2023, Sections 4 & 6 of the POCSO Act and Sections 3(i)(r)(w)
of the SC/ST Act. Earlier vide order dated 06.03.2025, passed in
Cr. Misc. No. 7992 of 2025, anticipatory bail of the petitioner
was rejected by a Co-ordinate Bench of this Court.

3. The prosecution alleges that on September 26,
2024, the 15-year-old daughter of the informant was kidnapped
by Gulshan Kumar (petitioner) and Sandeep Mahato for



marriage.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.03.2025. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that there is contradiction in the statement of the victim recorded under Sections 180 and 183 of the BNSS, 2023. Victim has refused for her medical examination. It is submitted that petitioner was in love affair with the victim and they have solemnized marriage.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Victim is minor and there is no value of consent in the eye of law. Moreover, charge sheet in this case is submitted under Sections 96 & 65(1) of the Bharatiya Nyaya Sanhita, 2023, Section 4 & 6 of the POCSO Act and Sections 3(1)(r) & 3(2)(va) of the SC/ST Act.

7. Considering the aforesaid facts and circumstances of the case, victim is minor and charge sheet being submitted in this case under Sections 96 & 65(1) of the Bharatiya Nyaya



Sanhita, 2023, Section 4 & 6 of the POCSO Act and Sections 3(1)(r) & 3(2)(va) of the SC/ST Act, this Court at this stage is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

9. However, petitioner will be at liberty to renew his prayer for bail if the trial is not concluded within a period of four months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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