

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84419 of 2024

Arising Out of PS. Case No.-213 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Gautam Kumar S/o- Niresh Mahto Village- Patla Ps- khodawandpur Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Om Prakash Mahto S/o- Late Lakhan Mahto Village- Kapan Ps-Bibhutipur Dist-Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mirityunjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Raja Ram Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 27-02-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bibhutipur P.S. Case No. 213 of 2024 instituted for the offences under Sections 363, 366A of the Indian Penal Code.

3. Accusation against the accused person is of kidnapping the minor grand-daughter of the informant with ill intentions.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that there is a delay of six



days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. He further submitted that victim, in her statement recorded under Section 164 of the Cr.P.C. has specifically stated that she left her house on her own sweet will and this petitioner never kidnapped her. It is further stated in the statement of the victim that she went to Himachal Pradesh on her own will and is living with her husband namely Chhatish Kumar. Learned counsel further contended that even as per medical report, there is nothing to support the case of the prosecution. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.09.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that police, after investigation, submitted charge-sheet against this petitioner under Sections 363, 366A, 376, 34 of the IPC and Section 4 of the POCSO Act. Learned APP further contended that although the victim in her statement recorded under Section 164 of the Cr.P.C. has stated that she left her house on her own will, but since the victim is minor, her consent/will have no value in the eyes of law. Learned APP further submitted that, as a matter of



fact, the victim was recovered in Himachal Pradesh along with the accused persons including this petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being ample material in the case diary against this petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

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