

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87640 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- TANDWA District- Aurangabad

Gautam Kumar S/o- Sitaram Singh @ Sita Singh Resident of Village- Itwa,
P.S. Tandwa, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Adv.
For the State : Mr. Chaubey Jawahar, APP
For the Informant : Ms. Leelawati Kumari, Adv.

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

ORAL ORDER

3 21-03-2025 Heard learned counsel for the petitioner and Mr.

Chaubey Jawahar, learned APP for the State as also learned

counsel for the Informant. Perused the case diary.

2. The petitioner seeks bail in connection with Tandwa

P.S. Case No. 100 of 2024 instituted for the offences under

Sections 137(2), 96 of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against the

petitioner is of enticing away the minor sister of the Informant

on the pretext of marriage.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has committed no offence as alleged

against him and has falsely been implicated in the present case



on the basis of suspicion. There is no eye-witness to the alleged occurrence. Learned counsel for the petitioner submits that the as a matter of fact, the petitioner has not enticed away the victim girl rather she on her own free will has left her house. He further submits that the victim girl has been recovered and she, in her statement recorded under Section 164 Cr.P.C., has not made any allegation of any overt act against the petitioner. He further points out that the date of occurrence is 24.08.2024 but, the F.I.R. was lodged on 26.08.2024 without there being any plausible explanation for such delay which creates doubt in the veracity of the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 22.09.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. It is further submitted that the Informant in his restatement at Para-2 and several witnesses in their statement at Para 5, 6, 7 and 22 have supported the prosecution case. The victim girl in her statement recorded under Section 164 Cr.P.C. has stated that that his friends captured some photographs of the victim along with the



petitioner and they started blackmailing her and she went to Gujarat with the petitioner where they were caught by the police. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Learned counsel for the Informant submits that the trial is on progress and one witness being the victim herself has already been examined.

7. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statement of the Informant that the trial is already in progress, this Court is not inclined to grant bail to the petitioner at this stage.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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