IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64627 of 2026

CNR No. BRHC010938492026

Arising Out of PS. Case No.-681 Year-2026 Thana- GAYA MUFASIL District- Gaya

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Gautam Kumar son of Late Yogendra Das Resident of Village -Salaiya Kala Nawadih PS -Fatehpur Dist -Gaya

... ... Petitioner/s

Versus

1. The State of Bihar
2. X Wife of Y Resident of village- Panchu Bigha, Ps- Muffasil, Dist- Gayaji

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR

ORAL ORDER

3 28-10-2026 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Mufassil P.S. Case No. 681 of 2026, for the offences punishable under Sections 64(1), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of POCSO Act.

3. The prosecution case, in brief, is that on June 12, 2026, the informant's 17-year-old daughter left home for tuition around 1:13 P.M. and did not return. It is further alleged that on June 13, 2026, suspicion arose after an interaction with the petitioner's sister, leading to allegations that the petitioner and his sister kidnapped the victim. It is also alleged that upon

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returning home, the victim stated that the petitioner promised to marry her, took her to a friend's place in Manpur, and forcibly established a sexual relationship with her. It is also alleged that the petitioner's family demanded money for marriage expenses.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel for the petitioner further submits that the petitioner has clean antecedents and is in custody since 21.06.2026. The counsel also submits that the charge-sheet has been submitted. The learned counsel lastly submits that it is a case of love affair between the petitioner and the victim and the victim is above eighteen years of age.

5. The learned APP for the State vehemently opposed the prayer for bail of the petitioner.

6. Learned counsel for the informant submits that the case was lodged against the petitioner due to a misunderstanding, and further submits that the victim is above eighteen years of age.

7. Having heard the parties and taking into consideration the submission of the learned counsel for the informant, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand)

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with two sureties of the likewise amount each to the satisfaction of learned Exclusive Special Judge POCSO cum Additional Session Judge-VI, Gayaji in connection with Mufassil P.S. Case No. 681 of 2026, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close family member.

(II) The petitioner shall co-operate in the process of trial.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

(IV) The Petitioner shall not commit offence of a similar nature in future.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar, J)

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