

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74471 of 2025

Arising Out of PS. Case No.-131 Year-2022 Thana- MANPUR District- West Champaran

Gaya Prasad S/o Dukhi Ram Resident of Vill- Kothava, P.S.- Gaur, Dist-
Basti, U.P

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. X W/o Late Dhruv Mukhiya R/o vill - Purainiya, P.S. - Manpur, Distt.-
West Champaran

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 24-02-2026 Despite valid service of notice, nobody appears on behalf
of the Opposite Party No.2.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner seeks bail in a case registered for the
offence punishable under Sections 366A/34 of the I.P.C and Sections
8/12 of the POCSO Act.

4. As per the prosecution case, informant's granddaughter
was kidnapped for the purpose of marriage and it is alleged that two
days prior to the occurrence, victim was found talking to one
Mansoor Ansaari over phone.

5. Learned counsel for the petitioner submits that the
petitioner was not named in the First Information Report and his



name, subsequently, transpired during the course of investigation in the statement of the victim recorded under Section 164 of the Cr.P.C. Further, the F.I.R was lodged after a delay of about 22 days, in as much as, while the occurrence is said to have taken place on 17.08.2022, the F.I.R was lodged on 08.09.2022 and also in the medical examination report, no spermatozoa was found and no evidence of any sexual assault and no injuries on the body part were found. Petitioner is in custody since 17.06.2025 with no criminal antecedent and only charge sheet has been submitted in the present case.

6. Learned APP for the State opposed the bail petition on the ground that the victim is a twelve year old girl who was sold at the hands of the petitioner for a substantial amount and her statement under Section 183 of the B.N.S.S discloses that she was subjected to assault and sexual abuse by the petitioner.

7. Taking into consideration the facts and circumstances of the case and also considering the statement of the minor victim girl, this Court is not inclined to grant bail to the petitioner.

8. However, the learned trial court is directed to expedite the trial considering that present case is one under the POCSO Act.

(Soni Shrivastava, J)

vashudha/-

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