

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2724 of 2026

Arising Out of PS. Case No.-623 Year-2024 Thana- MUFFASIL District- West Champaran

Kameel Gaddi @ Kamil Gadi son of Bali Gaddi Resident of Vill-
Karanemeya, Ward No. 07, P.S.- Bettiah Muffasil, Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. X Wife of Saheb Gaddi Resident of Vill- Karanemeya, Ward No. 07,
P.S.- Bettiah Muffasil, Dist- West Champaran

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 03-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail registered for the
offence punishable under Sections 126(2), 115(2), 118(1), 64(1),
89, 90, 103(1), 352 and 3(5) of the B.N.S., 2023 and Section 4
of the POCSO Act.

3. Learned counsel for the petitioner has submitted
that earlier the prayer for bail of the petitioner was rejected vide
order dated 06.05.2025. He also submits that vide order dated
06.05.2022, the learned coordinate Bench of this Court has
directed the learned trial court to expedite the trial and conclude
the same at the earliest.



4. Learned counsel for the petitioner submits that the statutory period provided under Section 35 of the POCSO Act has already elapsed and that stage of report was also called for from the learned trial court, which goes to show that out of nine witnesses, six witnesses have been examined.

5. The case of the prosecution, in short, is that the informant's minor daughter had a pain in her stomach. When the informant took her to the government hospital, the doctor found that the victim was pregnant for four months. Then he came to know from the victim that the petitioner used to seduce the victim and he used to establish physical relation with her due to which she became pregnant. Thereafter, the informant went to inquire into the matter from the petitioner and his family then all the FIR named accused persons attacked with sharp weapons and iron rods due to which the informant and his family members were forced to return from there. Then the informant thought of seeking help from police but on 11.11.2024, in the evening, the petitioner forcibly fed medicine to victim and tried to abort the pregnancy, after consuming the medicine, the victim started over bleeding and she died before reaching the hospital.

6. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has



committed no offence. He has been falsely implicated in this case. He also submits that there was a relationship between the petitioner and the deceased, but he has not administered the medicine forcefully. He also submits that in this case, the informant has been examined before the learned trial court as PW-3, and in her examination-in-chief, she has stated that the petitioner arrived at her home and gave medicine to her daughter, which she consumed at that time. She was not at home. When she returned home, her daughter (deceased) disclosed to her that the petitioner had come to the home and had fed her medicine, which she consumed. He also submits that the medicine was not administered forcefully. He further submits that the petitioner is languishing in judicial custody since 21.11.2024.

7. Countering this, the application for bail is vehemently opposed by the learned counsel for the informant and the learned APP for the State. Learned counsel for the informant has stated that even from the statement of the informant, it is clear that the medicine was administered by this petitioner only with a view to conceal his deeds, due to which the deceased ultimately died. In this case, it is admitted that the deceased was pregnant and that the petitioner was having



relationship with her.

8. Learned APP for the State has further submitted that the petitioners are the main assailant in the present case. He has also relied on a judgment of Hon'ble Apex Court in the case of **X Vs. State of Rajasthan & Anr passed in SLP(Criminal) No. 13378 of 2024** wherein in para- '14', Hon'ble Apex Court has held which is being quoted hereunder:-

14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.

9. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail at this stage, however, he may renew his prayer for bail after three months if the trial is not concluded.

10. However, the learned trial Court is hereby directed to expedite the trial and conclude the same within a period of three months by conducting a calendar trial of this case, as the statutory period has already elapsed so that the trial may be concluded within a period of three months.

11. Accordingly, the prayer for regular bail of the



petitioner is hereby rejected.

(Ashok Kumar Pandey, J)

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