

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26532 of 2024

Arising Out of PS. Case No.-465 Year-2023 Thana- GOPALPUR District- Bhagalpur

Shubham Kumar, S/O- Avdhesh Mandal, Male, aged about 19 years, R/O-
Village- Saidpur Dabra, P.S.- Gopalpur, Dist.- Bhagalpur.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shashank Shekhar, Advocate
For the Opposite Party : Mr. Manoj Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 24-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gopalpur P.S. Case No. 465 of 2023 dated 23.09.2023
registered for the offences punishable under Sections 363,
366A, 504 and 506/34 of the I.P.C.

3. As per the prosecution case, on 22.09.2023, the
petitioner is alleged to have kidnapped the grand-daughter
(*Natani*) of the informant and when she inquired the matter from
the parents of the petitioner, they abused and assaulted the
informant.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that there was love affair between the parties. The victim has been recovered and her statement under Section 164 of the Cr.P.C. has been recorded in which she has stated that she loves the petitioner. The petitioner wants to marry her but she is not ready for the same. On 22.09.2023, the petitioner took her to Allahabad where both stayed at the grandmother's house of the petitioner and he forcibly established physical relationship with her. It is further submitted that the medical report and supplementary report of the victim which is available in paragraph no. 46 of the case diary, does not support the prosecution and the doctor has not found any external injury on the body of the victim or inner thigh and the age of the victim was assessed to be 14-16 years. It is further submitted that the victim has not raised any alarm while she was being taken to Allahabad. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 26.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond



of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO)-cum-7th Additional District and Sessions Judge, Bhagalpur in connection with Gopalpur P.S. Case No. 465 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

