

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66369 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Shubham Kumar @ Subham Kumar, S/O Ram Kumar Ram, Resident Of
Village - Bhuswar, P.S.- Bibhutipur, Distt. - Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Puja Kumari, aged 18 years, Female, D/o Ganesh Kumar Das, R/o vill -
Litiyahi, P.S. - Bhibhutipur, Distt. - Samastipur, Bihar.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Mukesh Kumar, Advocate
For the O.P. No. 2	:	Mr. Dilip Kumar Roy, Advocate
For the State	:	Mrs.Sharda Kumari, A.P.P.

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

ORAL ORDER

3 16-12-2024 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned A.P.P. for the
State.

2. The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 64 of 2024 dated 03.03.2024
registered for the offences punishable under Sections 363,
366A, 376 of the I.P.C. and Section 4 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged
to have forcibly kidnapped the victim girl and took her to
Mumbai by train and started living there in a rented room and
thereafter he also established physical relationship with her, due
to that reason, the victim girl became pregnant.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that there was love affair between the parties as they used to study in the same college. It is further submitted that from perusal of the F.I.R., it appears that the victim went with the petitioner to Dalsingsarai Railway Station by Auto and from where she went to Mumbai by train where they stayed for two months in the house of the relative of the petitioner and thereafter they started living in a rented house at Kamlesh Nagar, Boriwali, Mumbai, but the victim has not raised any alarm during that period. It is further submitted that as per the medical examination report of the victim, the Medical Board has assessed the age of the victim more than twenty years. The victim is a major. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 04.04.2024.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the prayer for bail petition of the petitioner. Learned counsel for the opposite party no. 2 has submitted that the petitioner forcibly kidnapped the minor daughter of the informant and took her to Mumbai and committed rape on her, as a result of which, she became



pregnant.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, 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 the learned Additional Sessions Judge-VI-cum-Special Court (POCSO), Samastipur in connection with Bibhutipur P.S. Case No. 64 of 2024 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)

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