

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70257 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- BARAULI District- Gopalganj

Shubham Kumar @ Shubham Singh Son of Rajeshwar Singh Resident of
Village- Bharkuiya, P.S.- Barauli, Distt.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Harendra Pandey S/o- Late Deonath Pandey R/o- Village- Kotwan, P.O and P.S-Barauli, District- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-12-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Barauli
P.S. Case No. 69 of 2024, instituted for the offences punishable
under Sections 366-A, 376(3), 34 of the Indian Penal Code and
Section 4/6 of the POCSO Act.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons abducted the minor
daughter of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel for the petitioner also submits that



the victim in her statement recorded under Section 164 Cr.P.C. has stated that she left her house due to love affair with the petitioner and she has solemnized marriage with the petitioner. It is further submitted that in the medical examination of the victim girl no evidence of sexual assault has been reported and in medical examination her age has been reported and assessed as 18 to 19 years. The victim has not alleged about any sexual offence against the petitioner. The petitioner is in custody since 15.05.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barauli P.S. Case No. 69 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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