

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17590 of 2025

Arising Out of PS. Case No.-39 Year-2022 Thana- ANTI District- Gaya

Subham Kumar @ Shubham Kumar S/o Balendra Kumar Singh @ Sri
Balendra Singh R/o Village- Deokali, PS- obra, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Kumar Singh S/o Late Jagarnath Singh R/o vill and P.S.- Aati, Distt.-
Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Santosh Kumar Pandey, Advocate
For the Informant	:	Mr. Rakesh Kumar Singh, Advocate
For the State	:	Mr. Choubey Jawahar, APP

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

ORAL ORDER

6 08-07-2025 Heard Mr. Santosh Kumar Pandey, learned counsel for the
petitioner, Mr. Choubey Jawahar, learned APP for the State and
Mr. Rakesh Kumar Singh, learned counsel for the Informant.

2. The petitioner seeks bail in connection with Aati
P.S. Case No. 39 of 2022 instituted for the offence under
Sections 366(A) & 34 of the Indian Penal Code and
subsequently, Sections 8 & 12 of the POCSO Act were added.

3. The prosecution case is that on 02.06.2022, niece
of the informant, went missing after leaving for Aati Market.
During the search, calls were received from unknown numbers,
raising suspicion. The informant firmly believes that Subham
Kumar (petitioner) and Sachin Kumar took her away with the



intention of marriage.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19-12-2024. Petitioner bears no criminal antecedent/s, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Referring to the statement of the victim recorded under Section 164 of the Cr.P.C., it is submitted that there is nothing against the petitioner. Medical report suggests that there is no sign of recent sexual assault. Learned counsel for the petitioner mainly submits that there is no ingredients of Section 366 A of the IPC in the statement of the victim recorded under Section 164 of the Cr.P.C. Police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no whisper against the petitioner in the statement of the victim and charge sheet being submitted, this Court is inclined to grant bail



to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Aati P.S. Case No. 39 of 2022.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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