

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1044 of 2025

Arising Out of PS. Case No.-78 Year-2024 Thana- DHANKUND District- Banka

Subham Kumar, Son of Pramod Mandal, Resident of village - Sadpur, P.O.-
Pachrukhi, P.S.- Sahkund, District – Bhagalpur. Petitioner/s
Versus

1. The State of Bihar.
2. Kundan Kumar Son of Barun Mandal R/o Village - Kathwani, P.S.-
Dhankund, District - Banka. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 24-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Dhankund
P.S. Case No. 78 of 2024 registered for the offence under
Sections 96, 137(2) of the BNS, 2023 & Sections 8/12 of the
POCSO Act, 2012.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 27.08.2024.

4. Allegation against petitioner is to kidnap the wife of
the informant, with whom he was in affairs prior to her marriage
with informant, who on the date of occurrence was minor.

5. Learned Counsel appearing on behalf of the petitioner
submitted that the victim after recovery, completely denied



allegation of kidnapping and sexual assault and she went with petitioner on her own as she was in affairs with him prior to her marriage. It is submitted that victim was born on 02.08.2006 as per her school certificate and thus by shortage of four days only of 18 years. However, as per medical report, she was found major on the date of occurrence i.e. above 19 years. While concluding the argument, it is pointed out that petitioner is a man of clean antecedent and, moreover, till date not even single witness was examined during the trial

6. Learned APP opposed the prayer of bail.

7. Despite of service of notice, none on behalf of opposite party no. 2 appeared before this Court to join the present proceeding.

8. Considering the aforesaid facts and circumstances and by taking note of fact as the allegation of kidnapping and sexual assault *prima facie* appears not available against petitioner, coupled with the fact that petitioner is in custody since 27.08.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Dhankund P.S. Case No. 78 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-



cum-Special Judge, POCSO, Banka/concerned Court, subject to
the conditions as mentioned under Section 437(3) of the
Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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