

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10937 of 2026

Arising Out of PS. Case No.-24 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Shubham Mishra @ Shubham Kumar Mishra Son of Triloki Nath Mishra
Resident of village - Jatua , Police Station - Muffasil , District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 12-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Mohiuddin Nagar P.S. Case No. 24 of 2023, dated
02.02.2023, lodged under Sections 365, 366A and 34 of the
Indian Penal Code.

3. As per the prosecution, FIR has been lodged
against three named accused persons, other than the petitioner,
alleging that they have abducted the daughter of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
further submits that the petitioner is not named in the FIR,
rather, his name has emerged during the course of investigation.
Counsel further submits that the statement made by the alleged



victim under Section 164 Cr.P.C. is not on record, but the Trial Court, in the rejection order, has categorically indicated that in the statement she stated that she entered into marriage with the petitioner in Bholenath Temple, Chapra.

5. Counsel further submits that the age of the victim has been alleged to be minor, about 17 years, but actually upon recovery, the doctor has ascertained her age to be about 17–18 years. Counsel further submits that it is well-settled law that in cases of doubt, the plus-minus two years of age as ascertained by the doctor has to be considered. Counsel further submits that there is no allegation that kidnapping took place for the purpose of marriage. Counsel also submits that the criminal antecedent of the petitioner is clean and he is ready to fulfill all conditions whatsoever shall be imposed by this Court.

6. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner but fairly submits that in the statement under Section 164 Cr.P.C., the girl has not disclosed anything against the petitioner.

7. As such, in the present facts and circumstances of this case, and particularly considering that the age of the victim, as ascertained by the doctor, is between 17–18 years, and she has not alleged anything adverse against the petitioner, let the



above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Sub Divisional Magistrate, Shahpur Patori, Samastipur, in connection with Mohiuddin Nagar P.S. Case No. 24 of 2023, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

8. The Trial Court is hereby directed to verify the criminal antecedent of the petitioner, and in case it is found at any stage that the petitioner has concealed his criminal antecedent, the Trial Court shall take steps for cancellation of the petitioner's bail bond. However, the acceptance of the bail bond in terms of the above-mentioned order shall not be delayed for the purpose of or in the name of verification.

(Dr. Anshuman, J.)

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