

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60434 of 2025

Arising Out of PS. Case No.-297 Year-2024 Thana- BODHGAYA District- Gaya

Shyam Kumar @ Shiyram Paswan @ Siyaram Paswan S/o Chhedi Paswan
R/o Mohalla- Bhalua, P.S.- Bodhgaya, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhagirath Yadav @ Bhagriy Yadav S/o Vindeshwar Yadav R/o Village-
Mahudar, P.S.- Bodhgaya, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 16-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 363 of the I.P.C and Sections 8/12
of the POCSO Act.

3. As per the prosecution case, petitioner and others
abducted the daughter of the informant.

4. Learned counsel for the petitioner submits that the First
Information Report was lodged after three days of the occurrence and
the medical report of the victim also shows that her age is about
nineteen years. It would also appear from the said medical report
that there is no internal injury found by the Doctor. The petitioner is
in custody since 20.06.2024 and till date the case has not concluded.



5. Learned APP for the State opposed the bail petition on the ground that the present case has been filed under the provision of the POCSO Act and the 164 Cr.P.C statement of the victim discloses a specific allegation against the petitioner of having committed rape with her 2-3 times and that it was the petitioner who had confined her in room. Further, the petitioner has five criminal antecedents.

6. It appears from the records that the victim has not been noticed but since this court is not inclined to grant bail to the petitioner at this stage, there is no requirement of issuance of notice as no order is being passed against her interest.

7. Considering the facts and circumstances of the case and also considering the fact that there is specific allegation against the petitioner, the prayer for bail on behalf of the petitioner stands rejected.

(Soni Shrivastava, J)

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