

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67953 of 2025

Arising Out of PS. Case No.-72 Year-2025 Thana- AMAS District- Gaya

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Ankit Kumar S/o Devnarayan Yadav R/o Village- Morainiya, PS- Amas,
Distt.- Gaya Petitioner/s

Versus

1. The State of Bihar
 2. Ayodhya Singh S/o Sri Ganesh Singh R/o vill - Jeveniya, Post - Dariaura,
P.s.- Amas, Distt.- Gaya Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP
Mr. Ansh Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 17-01-2026

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Amas P.S. Case no.72 of 2025, registered under section 96 of the Bhartiya Nyaya Sanhita, 2023 and sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the informant states that his 14 year old daughter who had gone to ease herself disappeared and was not to be found inspite of search. As such the F.I.R.

4. Learned counsel for the petitioner submits that the petitioner was falsely implicated in the case in course of investigation. Inspite of the fact that the daughter of the informant was a major, capable of giving valid consent and went with the petitioner out of her own freewill, he has been falsely



implicated in the case. The petitioner is in custody since 12.3.2025, chargesheet has been submitted in the case and he has no criminal antecedent. The petitioner undertakes to cooperate in the investigation /trial.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that as per the birth certificate of the victim, she was 14 year old minor on the date of occurrence and not capable of giving a valid consent. It is further submitted that the doctor in his report which has come in paragraph no.73 of the case diary has concluded that rape on the victim cannot be denied. In fact the minor victim is in the family way.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR together with the material that has transpired in course of investigation, in the medical assessment carried out on the victim, her age was assessed to be between 18-19 years by the doctor. It further transpires that the victim does not support the prosecution case in her statement under section 183 B.N.S.S., which finds mention in paragraph no.62 of the case diary.

7. In view of the facts and circumstances of the case together with the petitioner having remained in custody for 10



months since 12.3.2025, not having any criminal antecedent and chargesheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Amas P.S. Case no.72 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, POCSO-cum- Additional Sessions Judge-VII, Gaya on the following conditions :-

(I) The petitioner shall remain physically present/ properly represented on each date of the case/trial in the learned trial Court and shall cooperate in the trial.

(II) The learned trial Court shall not delay the case/ trial unless there is a specific order of any Court staying the proceedings in the learned Court below.

(III) In case the learned trial Court is of the opinion that the case/trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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