

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70 of 2026

Arising Out of PS. Case No.-180 Year-2025 Thana- MEHANDIGANJ District- Patna

SUBH KUMAR @ SHUBH KUMAR S/O SUDHIR SINGH R/O
MOHALLA GRAM SWARAJ PATH, CHITRAGUPTA NAGAR,
KANKARBAGH, DISTRICT- PATNA

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. XXX D/o YYY R/o flat no.102, Mehandiganj, chandra moti apartment, near
paujwa more, P.S.-Mehandiganj, District-Patna, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naman Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-01-2026 Heard learned counsel for the petitioner, informant
and the State .

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under sections 64 , 81 and 305 of
BNS and 4 of POCSO.

3 . The prosecution case , in brief, is that the
informant was in longstanding relationship with the petitioner,
who allegedly promised to marry her. Based on the said
promise , daughter of the informant entered into physical
relationship with the petitioner. Relationship lasted for several
years and thereafter, petitioner and other accused persons started
demanding dowry and later on this petitioner refused to marry



informant.

4. Learned counsel for the petitioner submits that prosecution case set out in the F.I.R. is false and concocted. The informant was major and was conscious of all consequences of intimate relationship which continued for several months. The act of repeated intimacy and sexual relationship was totally consensual in nature and was not established under any false promise , threat or coercion . He further submits that it is a case of long voluntary love affair between two consenting adults which had been given a colour of forcibly sexual intercourse with oblique purpose and motive . During investigation , the date of birth of the informant was 24.08.2006, aged about 19 years (major). Petitioner claims clean antecedent.

5 . Learned counsel for the State and informant opposed the bail petition of the petitioner.

6. Considering the fact that both the parties were major when the relationship developed between them and informant was well aware of such relationship and its consequences and as such, the same will not amount to any criminal offence , in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above , be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten



thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional session Judge – VII cum Judge Exclusive special Judge POCSO Patna in connection with Mehandiganj P.S. case No. 180 of 2025 , subject to the conditions laid down under section 482 (2) of BNSS 2023 .

(Prabhat Kumar Singh, J)

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