

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6367 of 2025

Arising Out of PS. Case No.-413 Year-2024 Thana- MAHUA District- Vaishali

Nitin Kumar @ Nitin Raj S/O Navin Singh R/O Village- Purushottampur, P.S-
Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjeet Mishra S/o Late Devendra Mishra R/o vill - Chand Sarai, P.s.-
Mahua, Distt.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mrs. Bela Singh, Advocate
For the Opposite Party/s :	Mr. Chandra Sen Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-05-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Mahua P.S. Case No.413 of 2024, lodged on 02.06.2024, under Sections 363/366 of the Indian Penal Code and under Sections 4/6 of the POCSO Act.

3. As per the prosecution, FIR has been lodged against the sole petitioner with allegation that the petitioner has enticed away the minor daughter of the informant with rupees one lac



and gold jewellery.

4. It transpires that notices have already been issued and it has been validly served upon Opposite Party No.2.

5. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the allegation that girl is minor is absolutely wrong. In support of that the Counsel has submitted marksheet of CBSE in which date of birth is 17.07.2005 and, therefore, on the date of occurrence the age of the alleged victim is more than 18 years. Learned Counsel submits that since age of victim girl is more than 18 years, therefore, POCSO Act shall not attract. Learned Counsel further submits that subsequently when informant became aware about the truth of the event, then an application has been filed by him that under wrong impression the case was filed against the petitioner which is annexed as Annexure-3.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the light of the statement, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below 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 Exclusive Special Court POCSO-Cum-A.D.J.-VI, Vaishali at Hajipur, in connection with Mahua P.S. Case No. 413 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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