

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3091 of 2025

Arising Out of PS. Case No.-53 Year-2023 Thana- SAHARGHAT District- Madhubani

Roushan Kumar, Son of Vishwanath Das, Resident of Village- Basbariya,
P.S.- Saharghat, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pramila Devi, Wife of Brahma Dev Yadav, village- Basbariya, ps- Saharghat,
Dist- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-03-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Saharghat P.S. Case No. 53 of 2023, registered for the
offences punishable under Sections 341, 323, 363, 366(A), 504,
506 and 34 of the Indian Penal Code and Sections 8 and 12 of
the POCSO Act.

3. Allegedly on 24.03.2023 the minor daughter of the
informant went to purchase some household articles, but
thereafter, she did not return. In course of search, the informant
came to know that the petitioner Raushan Kumar has enticed



away his daughter. The informant rushed to the house of the petitioner (Raushan Kumar) and narrated the entire incident whereupon the family members of the petitioner also abused and assaulted the informant.

4. Learned Advocate appearing on behalf of the petitioner submitted that on the last occasion when the matter was taken up, it has been urged at the Bar that the petitioner has already solemnized marriage with the victim girl and both of them have been residing peacefully. They also blessed with a child. In such circumstances notice was issued to the opposite party no. 2. From the acknowledgment it appears that the notice was duly served upon the opposite party no. 2, who put her signature on the acknowledgment, but there is no appearance on her behalf. It is further contended that in fact, the victim girl has left her house voluntarily and thereafter both the parties solemnized marriage. Moreover, the petitioner bears fair antecedent and as per the submission advanced by learned Advocate for the petitioner, the victim girl is a major one and no offence much less under Section 363 and 366A of the Indian Penal Code as well as Section 8 and 12 of the POCSO Act is made out.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the



allegation of forceful kidnapping is levelled against the petitioner. Moreover, from the FIR it appears that the victim girl is a minor.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that despite notice none has appeared on behalf of the opposite party no. 2 coupled with the submission that both the petitioner and the victim have solemnized marriage and residing peacefully alongwith the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge – VII cum Special Judge (POCSO Court), Madhubani in connection with Saharghat P.S. Case No. 53 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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