

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3157 of 2025

Arising Out of PS. Case No.-381 Year-2024 Thana- MAHNAR District- Vaishali

Mithun Kumar, S/O Umesh Sahni, R/O village - Harpur, P.S- Mahnar,
District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saloni kumari, D/o Kaleshwar Sahani, Resident of village - Mahamadpur,
P.S.- Mahnar, Dist.- Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Rajendra Prasad Nat, APP
For O.P.No.2	:	Mr. Akash Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner, learned

APP for the State and learned counsel for the informant/opposite

party no.2.

2. In the present case, the petitioner seeks bail in
connection with Mahnar P.S. Case No. 381 of 2024, registered
for the alleged offences under Sections 64, 351(2), 3(5) of BNS,
2023 and Section 4 of POCSO Act.

3. As per prosecution case, the petitioner, giving
inducement of marriage, established physical relationship with
the minor informant and, thereafter, refused to marry her.

4. The learned counsel for the petitioner submits that
the petitioner is innocent and has been falsely implicated in this



case. From the FIR, it is apparent that the present case has been lodged only in order to pressurize the petitioner in solemnizing marriage with the informant. The learned counsel further submits that the petitioner is ready to marry the informant but has been waiting her to complete the age of 18 years. The victim lady has also given statement to this effect when her statement was recorded under Section 183 BNSS. The learned counsel further submits that it was consensual relationship between the petitioner and the informant and, at the time of lodging the FIR, the informant was aged about 17 years 8 months and she well understood the consequences of her acts. The learned counsel further submits that the petitioner is in custody since 26.10.2024 and charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP for the State submits that in her statement recorded under Section 164 Cr.P.C. the minor informant has stated that she was in physical relationship with the petitioner out of love affair for two years. When the marriage was denied, she filed the present case.

6. Learned counsel appearing on behalf of the informant submits that a compromise has taken place between the parties and the petitioner and the informant are ready to



solemnize their marriage.

7. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the relationship appears to be consensual between the parties though the informant is stated to be a minor but considering her age at which the girl develops sufficient maturity and also considering the age of the petitioner, his clean antecedent, submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-VI-cum-Special Judge (POCSO), Hajipur, Vaishali, in connection with Mahnar P.S. Case No. 381 of 2024, subject to the conditions mentioned in Section Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail,



the bail bond of the petitioner will be liable to
be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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