

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4943 of 2025

Arising Out of PS. Case No.-178 Year-2024 Thana- DANIYAWAN District- Patna

Ajit Kumar Son of Ram Ratan Yadav @ Ramratan Ray Resident of village -
Makdumpur, Post Office and Police Station - Athmalgola, Distt.- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munna Das Son of Chandrika Mochi Resident of Village and P.O. and P.S.-
Daniyawar, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun, Advocate
For the State	:	Mr.Sadanand Paswan, APP
For the Informant	:	Mr.Mukesh Kumar Suman, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offences under Sections 137(2), 96 of B.N.S., Section 9 of Child
Marriage Act and under Section 3(2)(va) of SC/ST Act.

3. As per the prosecution case, on the basis of a
written information it was alleged that 16 years old daughter of
the informant had gone to the market and did not return and
despite search she could not be located and the informant further
stated that he learnt from his family that the petitioner enticed
away his minor daughter to solemnize marriage.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and no such case under Section 137(2) of B.N.S. is made out. It is next submitted that the victim was examined under Section 181 B.N.S. as well as Section 183 B.N.S. and she has categorically stated that she had gone along with the petitioner on her own will and had also married the petitioner and they were living together. Learned counsel has pointed towards the statement of victim recorded under Section 183 B.N.S. wherein she has stated that her parents had not allowed her to stay with Ajit (petitioner) due to the difference in their caste and she had strongly stated that she is ready to live with the petitioner. Learned counsel for the petitioner further submits that whenever the victim girl is released from the remand home, the petitioner is ready and undertakes to take the victim girl along with him. It is lastly submitted that the petitioner has clean antecedent and is in custody since 29.09.2024.

5. Learned APP for the State as well as learned counsel for the informant have jointly opposed the prayer for bail of the petitioner and submits that there is allegation upon the petitioner to have kidnapped a minor girl for the purpose of marriage and even if there is consent of the victim, it has no



value in the eyes of law.

6. Considering the aforesaid facts and circumstances of the case and taking into account the statement of the victim girl recorded under Section 183 of B.N.S., let the petitioner above-named be enlarged on bail 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 court below where the case is pending/successor court in connection with Spl. (POCSO) Case No. 346/2024 arising out of Daniawan P.S. Case No. 178/2024 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two 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.
- d. The Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court



below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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