

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3751 of 2025

Arising Out of PS. Case No.-185 Year-2024 Thana- GURARU District- Gaya

Ajit Kumar S/o Ganga Sagar Mahto R/o Village- Baliya, P.S.- Guraru,
District- Gaya Petitioner/s

Versus

1. The State of Bihar
2. Ambika Kumari D/o Navin Saw R/o Village- Baliya, P.S.- Guraru, District- Gaya
... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8633 of 2025
Arising Out of PS. Case No.-185 Year-2024 Thana- GURARU District- Gaya

Dev Kumar @ Dev Ranjan @ Deva Kumar S/o- Ranjay Kumar Resident Of
Village-Maranpur Barahmichari Baba Road Ps- Vishunpath District- Gaya
... .. Petitioner/s

Versus

1. The State of Bihar
2. Ambika Kumari D/o- Navin Saw R/o- Baliya Ps- Guraru Dist- Gaya
... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3751 of 2025)

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Jai Narain Thakur

Mr. Anish Kumar

(In CRIMINAL MISCELLANEOUS No. 8633 of 2025)

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Manoj Kumar

Mr. Anish Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 28-07-2025 As both these bail applications arise from the same

police station case number, hence, with consent of parties, they

are being heard together and disposed of by this common order.

2. Heard learned counsel for the petitioners, learned

Additional Public Prosecutor for the State and learned counsel

for the opposite party no. 2.

3. The petitioners are apprehending their arrest in a



case registered for the offence punishable under Sections 376, 420, 506, 34 of the Indian Penal Code and Sections 4, 12 of the POSCO Act.

4. Allegation in the first information report is that the informant/prosecutrix had outraged the modesty of the informant and also committed rape with her and was also trying to threaten her by way of some video.

5. Learned counsel for the petitioners submits that the allegations made in the First Information Report are not correct and even according to the FIR the informant is major girl and hence, no case under the POCSO Act would be made out against the petitioners. Petitioner Ajit Kumar of Cr. Misc. No. 3751 of 2025 is the husband of the victim herself and petitioner Dev Kumar of Cr. Misc. No. 8633 of 2025 is said to be a friend of Ajit Kumar. It has been submitted on behalf of the petitioners that as a matter of fact, the petitioner Ajit Kumar and the victim girl were in a relationship with each other and the present position is that they have solemnized marriage and leading a peaceful conjugal life. By way of supplementary affidavit, the compromise petition has also been brought on record to substantiate the above-mentioned fact. The bail rejection order also clearly indicates that even in the court below an affidavit



had been sworn by the victim wherein she had indicated that she is a major and she has married with the petitioner Ajit Kumar voluntarily.

6. Learned counsel for the opposite party no. 2 does not deny the factum of marriage and compromise between the parties.

7. Considering all the above mentioned facts and circumstances, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each 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 Guraru P.S. Case No. 185 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

8. It is expected that the petitioner would treat the opposite party no. 2 who is now his wife with due dignity and honour.

(Soni Shrivastava, J)

devendra/-

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