

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6914 of 2025

Arising Out of PS. Case No.-151 Year-2024 Thana- LAXMIPUR District- Jamui

Rahul Tanti @ Rahul Kumar S/O Tinku Tanti R/O Vill.- Mahuaghar, P.S.-
Laxmipur, District- Jamui

... .. Petitioner

Versus

1. The State of Bihar
2. Surendra Tanti S/O Ranjan Tanti R/O Vill.- Mahuaghar, P.S.- Laxmipur,
District- Jamui

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ankita Kumari, Advocate Mr. Sanjay Kumar Singh, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Laxmipur P.S. Case No.151 of 2024, registered for the offences
punishable under Sections 366(A), 506/34 of the Indian Penal
Code and later on Sections 376/506 of the Indian Penal Code
and Section 4 of the POCSO Act were added.

3. As per the allegation, the minor daughter of the
informant has been kidnapped by the petitioner and other co-
accused.

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



case. She further submits that as a matter of fact, the petitioner and the alleged victim were in love affairs and they have voluntarily entered into marriage and no offence has been committed by him. She also submits that as per the bail order passed by learned Trial Court dated 18.12.2024, it clearly transpires that the alleged victim is about 15 year and 8 month old and she has clearly stated in her statement as recorded under Section 164 Cr.PC that she was not kidnapped. In fact, she, herself called the petitioner to her house and left with him voluntarily and entered into marriage with him. As such, there is no case of enticement or kidnapping, it is a case of valid marriage, as per the Hindu Marriage Act. Though the alleged victim is minor, but the marriage is not invalid. The petitioner is legally wedded husband and he has not committed any offence.

5. He further submits that the petitioner has been languishing in jail since 13.11.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO) Act, Jamui in connection with Laxmipur P.S. Case No.151 of 2024 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of



the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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