

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16386 of 2025

Arising Out of PS. Case No.-187 Year-2024 Thana- BANJARIA District- East Champaran

Deva Kumar S/O Late Bhagnarayan Sah Resident of village - Singhiya
Hivan(Sidhiya Hiban) P.S.- Bairstania, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner is in custody in a case registered for the
offence under Section 96, 3(5) of the BNS.

3. As per the prosecution case, informant has stated
that on 26.07.2024 her daughter, namely, Priti Kumari went
from her house for her college but she did not returned. It is
further alleged that earlier the petitioner, namely, Deva Kumar
has threatened her that he will took her daughter. On search, the
informant went to the petitioner's mother upon which his sister
gave a mobile number and on contact, the petitioner disclosed
that he is with informant's daughter and he is going to marry
her.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He further submits that, it also appears that the victim girl has stated in her statement recorded under Section 183 of BNSS that she had fled away with the petitioner from her paternal house with her own sweet will and nobody forced her to do so and after some time she went to Ludhiyana where she got married with the petitioner. He next submits that from perusal of the para-162 of the case diary, it appears that investigation has already been concluded against the petitioner and Investigating Officer has submitted chargesheet for the offence punishable under Section 96/3(5) of BNS and no chargesheet has been submitted for the offence under POCSO Act. He further submits that there is no allegation of sexual assault upon the victim and the victim girl has also denied to do her medical examination before the Medical Officer. He also submits that petitioner is in custody since 04.10.2024 and has got clean antecedent as stated in para-3 of the bail petition.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. On perusal of the First Information Report, case diary and impugned order dated 18.01.2025, it appears that the



victim girl has eloped with the petitioner with her own sweet will and also got married with the petitioner which is evident from her statement recorded under Section 183 of BNSS and there not any allegation of sexual assault upon the victim by the petitioner. So, considering all aspects of the case and submission of learned counsel for the petitioner, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Banjariya P.S. Case No.187 of 2024.

(Ramesh Chand Malviya, J)

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