

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24781 of 2025

Arising Out of PS. Case No.-513 Year-2024 Thana- MALSALAMI District- Patna

Rishu Kumar S/o Manoj Kumar @ Manoj Kumar Saw R/O Shanti Niketan,
Chhoti Nagla, P.S.- Malsalami, District- Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Komal Kumari D/o Dinesh Prasad R/o Shanti Niketan, Chhoti Nagla, P.S.-
Malsalami, District- Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Rai, Advocate Mr. Chandan Kumar, Advocate Mr. Balwant Kumar, Advocate Mr. Shivam Narayan Pandey, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioner seeks bail in connection with Malsalami P.S. Case No. 513 of 2024 registered on 11.11.2024 for the offences under Sections 96(3) and 3(5) of the B.N.S. and Section 6 of the POCSO Act.

3. As per prosecution case, sister of the informant was enticed away by the petitioner with intention of solemnizing marriage with her.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. Statement of the victim girl was recorded under Sections 180 and 183 of B.N.S.S. wherein she has stated about her love affair with the petitioner and also stated that she eloped with him and solemnized marriage and has been leading her marital life with him. The victim girl refused to undergo medical examination. As per matriculation certificate, the age of the victim girl is 16-17 years and the victim girl was knowing the consequences of her act. Learned counsel further submits that petitioner is a boy aged about 19 years and is in custody since 22.11.2024 and his career would be ruined if he is not enlarged on bail. Charge-sheet has also been submitted. Petitioner is having clean antecedent.

5. Learned A.P.P. as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that victim girl was minor and her consent is immaterial.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the victim girl and her age at which a girl develops sufficient maturity and also considering the clean antecedent of the petitioner coupled with his period of custody



and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO), Patna/concerned court in connection with Malsalami P.S. Case No. 513 of 2024, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other 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)

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