

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30226 of 2025

Arising Out of PS. Case No.-333 Year-2024 Thana- CHAUTHAM District- Khagaria

Sajan Kumar Mahto @ Sajan Kumar @ Sajan Mahto S/o Vijay Mahto R/o
Village_ Jai Prabha Nagar, P.S.- Chautham, Distt.- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bahadur Muni S/o Late Shivdhari Muni R/o Vill - Jai Prabha Nagar, P.S.-
Chautham, Distt.- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2025 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Chautham P.S.Case No.333 of 2024, G.R. No.3561 of 2024
registered for the offences punishable under Sections 137(2), 96
and 3(5) of BNS.

3. As per the allegation made in the FIR, the petitioner
along with the other co-accused persons kidnapped the minor
daughter of the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent. He is aged
about 22 years and the victim is aged about 18 years. They were



in love relationship and the petitioner was unaware of the consequences of the POCSO Act, however, they have married and in this regard, the learned counsel has made specific statement in Paragraph No. 6 of the bail application.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and he has further submitted that the learned district court has informed that the statement of the victim girl has not yet been recorded under Section 182 of BNSS.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the age of the victim girl and the petitioner, I find that the learned district court must abide by the provisions of POCSO Act in recording the statement of the victim under Section 182 of BNSS, which has been reported to have not been recorded till date. Petitioner has claimed that the victim has married with him and she is living happily and as per the age, victim is still adolescent and the petitioner has just emerged as an adult(aged about 22 years). Both have undergone psychological, physical and biological changes and at this age, attraction with other sex is not uncommon. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the



learned district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Mr. Sushil Kumar Singh, J.M. 1st Class, Khagaria/concerned court, in connection with Chautham P.S.Case No.333 of 2024, G.R.No.3561/2024 subject to conditions as laid down under Section 482(2) of BNSS of 2023, subject to further condition that the learned district court must mandatorily record the statement of the victim under Section 183 of BNSS.

7. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

chn/-

U		T	
---	--	---	--

