

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31275 of 2025

Arising Out of PS. Case No.-674 Year-2024 Thana- WAJIRGANJ District- Gaya

Arjun Kumar @ Arjun Manjhi @ Arjn Manjhi, S/o- Kuldeep Manjhi,
Resident of Village- Banshi Bigha, P.S.- Gehalur, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Guriya Devi, D/o- Sri Shiv Kumar Manjhi, Village- Banshi Bigha, Ps-
Gehlaur, Dist- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh, Adv.

For the Opposite Party/s : Dr. Ajeet Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-08-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. Despite the valid service of notice upon the
opposite no. 2, there is no appearance on her behalf.

3. The application for grant of bail to the petitioner
who is in custody in connection with POCSO Case No. 22 of
2025 arising out of Wazirganj P.S. Case No. 674 of 2024
registered for the offence punishable under Sections 96 of the
Bharatiya Nyaya Sanhita.

4. Allegedly the minor daughter of the informant was
enticed away by the petitioner for illicit purpose.



5. Learned Advocate appearing on behalf of the petitioner submits that from the FIR it would be evident that the alleged occurrence took place on 28.08.2024, but the present FIR came to be filed on 11.09.2024. He further submits that during the course of investigation the victim returned to her house and her statement was recorded under Section 183 of Bharatiya Nagarik Suraksha Sanhita where she categorically stated that her marriage was forcibly solemnized with another person and thus, she left her house voluntarily and thereafter, on 10.09.2024, she solemnized marriage with the petitioner with whom she had been in love. Specific averment has been made that this petitioner has never used any force or instigated and induced, moreover, she was also subjected to medical examination, but it has not been described that she was minor at the time of occurrence. Learned Advocate for the petitioner further contended that in fact, on account of love affairs, both the parties have solemnized the marriage and now the petitioner has been incarcerated since 12.09.2024; almost a year has been passed. He next contended that the petitioner is a man of fair antecedent and he will fully cooperate in the trial.

6. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application



and submitted that admittedly the date on which she was enticed away by the petitioner, she was minor, and, as such, the petitioner cannot be absolved from the accusation leveled against him, even if the victim was a consenting party.

7. Having regard to the submissions set forth by the learned Advocate for the respective parties and taking note of the submissions of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, as also the fact the petitioner has been incarcerated since 12.09.2024, having absolutely fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-Cum-Special Judge of POCSO Act, Gaya in connection with POCSO Case No. 22 of 2025 arising out of Wazirganj P.S. Case No. 674 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the Court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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