

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32111 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- KHODAWANDPUR District- Begusarai

Raja Babu Kumar @ Raja Babu, Son of Sri Ram Sawarath Sharma, Resident
of Village – Khodawandpur, Ward No.- 8, P.S.- Khodawandpur, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Randhir Kumar No. 1, Advocate
For the State	:	Md. Shakir Ahmad, APP
For the Informant	:	Mr. Dhirdyuti Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. In the present case, the petitioner is apprehending his arrest in connection with Khodawandpur P.S. Case No.162 of 2024, registered for the offences under Section 96 of BNS, 2023.

3. As per the prosecution case, the minor daughter of the informant was enticed away by the petitioner with intention to marry her.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The occurrence took place on 10.12.2024, but the FIR was lodged on 17.12.2024 without any explanation for such delay. It



is not a case of kidnapping as the victim girl herself left her house and the petitioner has not kidnapped her. This fact is clear from the statement of victim girl recorded under Sections 180 and 183 of BNSS. The victim girl in her statement recorded under Section 183 of BNSS stated that her parents wanted to marry her and as she was not ready for marriage, she left her house and went away with the petitioner. The petitioner is aged about 22 years, whereas the age of the victim was assessed to 15-17 years by the medical board. However, the victim girl has refused to undergone any type of external and internal examination. The learned counsel further submits that the parents of the victim girl refused to take her back and she has been sent to remand home. The petitioner is having clean antecedent.

5. The learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that the victim is a minor and was a student of Class-X and this petitioner enticed away. Subsequently, Sections 8 and 12 of the POCSO Act was also added in the present case.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the



voluntary nature of act of the victim girl and also her age when a girl develops sufficient maturity and further considering the clean antecedent of the petitioner and his age, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, 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 Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai/court concerned, in connection with Khodawandpur P.S. Case No. 162 of 2024, subject to the condition laid down under Section 482 (2) of the BNSS, 2023 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 below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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