

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36071 of 2025

Arising Out of PS. Case No.-146 Year-2024 Thana- Banma Itahari District- Saharsa

Prashant Kumar @ Munna, Male, aged about 32 years, son of Arun Mehta,
resident of Village- Amba Dih Sugna, PS- Banma Itahari, Dist- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahita Devi, female, W/o- Jawahar Mehta, resident of Village- Amba Dih,
PS- Banma Itahari, Dist- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha, Advocate
For the State	:	Mr. Parmanand Kumar, APP
For the OP No.2	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 13-08-2025 Heard learned counsel for the petitioner; learned

Additional Public Prosecutor for the State and learned counsel

for the opposite party no.2.

2. The petitioner seeks bail in connection with Banma
Itahari PS Case No.146 of 2024 dated 29.12.2024, instituted for
the offence punishable under Sections 137(2), 87, 96 of the
Bharatiya Nyaya Sanhita, 2023, in which charge-sheet has been
submitted under Sections 137(2), 96 of the *Bharatiya Nyaya*
Sanhita, 2023, and Section 8 of the Prevention of Children from
Sexual Offences Act.

3. The allegation against the petitioner is that he was
in contact with the daughter of the informant and used to talk
with her on mobile and, ultimately, he eloped away with her.

4. Learned counsel for the petitioner submits that the



statement of the victim has been recorded under Section 183 of the *Bharatiya Nagrik Suraksha Sanhita*, 2023, in which she has specifically stated that she left the house out of own sweet will and went to Khagaria where she met with the petitioner and both were residing there. There is no whisper of any illegal act against the petitioner. It is also submitted that the Magistrate while recording statement of the victim has assessed her age as 17 years. Lastly, it is submitted that the petitioner is in custody since 31.01.2025 having no criminal antecedents.

5. Learned APP as well as learned counsel for the opposite party no. 2 has opposed the prayer for bail. Learned counsel for the opposite party no.2 submits that the victim is a minor girl.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the ADJ VI cum Special Judge, POCSO, Saharsa, in Banma Itahari PS Case No.146 of 2024.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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