

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34278 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- AMNAUR District- Saran

Mukesh Kumar S/o Jailer Rai R/o Village- Gheghtha, P.S.- Chapra Muffasil,
District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-06-2025 Heard Learned Counsel for the petitioner and

Learned A.P.P. for the State.

2. The present Criminal Miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “the BNSS”) for seeking regular bail in connection with Amnaur P.S. Case No.51 of 2025 lodged on 04.03.2025 under Sections 137(2), 96, and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, the F.I.R. has been lodged against four named accused persons including the petitioner with allegation that the petitioner has eloped with minor girl of the informant with a view to marry.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that admittedly, the age of victim is 17 ½ years and upon recovery, she has narrated her statement that she went with her



consent and coercive taken upon her.

5. Learned Counsel further submits that petitioner is in custody since 22.03.2025 having two criminal antecedents.

6. Learned counsel for the State opposes the prayer for bail and submits that from the record, it becomes crystal clear that the petitioner is a married person aged about 30 years and then he eloped with the informant's minor daughter.

7. It transpires to this Court that section 96 of the BNS has been added. This Court is of the view that in the present case, Section 82 and 83 of the BNS *i.e.*, marrying again during lifetime of husband or wife and deals with a act of going through a marriage ceremony fraudulently without being lawfully married, both attracted in the present case and trial court has taken care of these two offences.

8. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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