

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33596 of 2025

Arising Out of PS. Case No.-90 Year-2024 Thana- KHIRHAR District- Madhubani

Deepak Yadav @ Deepak Kumar Yadav S/O Ramesh Yadav R/O Village-
Jiroul Tole Nakta, P.S- Khirhar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raman Kumar Jha S/O Upendra Jha R/O Village- Jiroul Ward No. 5, P.S-
Khirhar, Distt.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-07-2025 Heard Mr. Ravi Prakash, learned counsel for the

petitioner and Mr. Anuj Kumar Shrivastava, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Khirhar P.S. Case No. 90 of 2024, FIR dated
16.09.2024 registered for the offences punishable under
Sections 126(2), 115(2), 137(2), 96, 352, 351(2), 3(5) of the
Bharatiya Nyaya Sanhita, 2023 and later on Section 64 of the
Bharatiya Nyaya Sanhita, 2023, Section 4 of POCSO Act and
Section 9 of Children Marriage Act was added.

3. According to prosecution case, on 15.09.2024,



the informant alleged that the petitioner along with co-accused persons kidnapped his minor daughter.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.. In fact the petitioner was in love with the victim girl and victim girl has stated that due to family pressure, she has eloped with the petitioner and she has performed marriage with the petitioner. Learned counsel for the petitioner further submits that the victim herself refused for her medical examination.

5. Learned A.P.P. for the State, on other other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that it appear from the F.I.R. itself that Section 9 of Children Marriage Act was added which suggests that on the date of marriage, the victim was minor and apart from that, Section 4 of POCSO Act was also added.

6. Considering the aforesaid facts that on the date of occurrence, the victim was minor and her consent is no consent in the eye of law, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Khirhar P.S. Case No. 90 of 2024 pending in the court of



learned learned Additional District and Sessions Judge-VII-cum
Special Judge, POCSO Act, Madhubani.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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