

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39310 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- BABUBARHI District- Madhubani

Rajeev Kumar Mahto S/O Binod Mahto R/O Village Sainidih, P.S. Phulparas,
Distt-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O Ramparikshan Mahto R/O Village Sonpatahi, P.S. Babubarhi, Distt-Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-03-2025 Heard Mr. Gagan Deo Yadav along with Mr. Ravi Prakash, learned counsels appearing on behalf of the petitioner and Mr. Parmanand Kumar, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Babubarhi P.S. Case No. 235 of 2023 registered under Sections 323, 452, 506, 504 of the Indian Penal Code, Section 8/12 of the POCSO Act and Section 9 of the Child Marriage Act.

3. As per the allegation made in the FIR, the petitioner misbehaved with the victim and, thereafter, the family members of the informant forcefully performed marriage between the



victim and the petitioner. Altogether 11 persons of the family of the petitioner have been made accused in the FIR. It has further been alleged that the petitioner has now refused to live with the victim.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has just emerged as an adult and the victim is still a minor girl. The marriage is void in accordance to the Hindu Marriage Act. The petitioner at this stage cannot undertake to live along with the victim as she is still a minor girl. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR and the age of the victim, who is minor and herself informant. The petitioner has claimed that he has allegedly been forced to get married, who has just emerged as an adult, cannot be considered that he has intentionally enticed the informant, I find that the petitioner has, *prima facie*, made out a case to be released on bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or



surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each, to the satisfaction of learned Addl. Sessions Judge-VI-cum-Special Judge, POCSO, Madhubani in connection with Babubarhi P.S. Case No. 235 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

Chn/-
Ashishsingh/-

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