

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38582 of 2025

Arising Out of PS. Case No.-43 Year-2023 Thana- TELHARA District- Nalanda

Ravi Kumar @ Subhash Kumar Son of Nawal Kishor Prasad Village -Madani Bigha, PS -Telhara, District -Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mithilesh Prasad Son of Late Dularchand Prasad Village -Madani Bigha, PS -Telhara, District -Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Advocate.
For the Opposite Party/s	:	Mr.Md. Nazir Ansari, APP.
For the Informant	:	Mr. Shyamal Prakash, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-10-2025 Heard learned counsel appearing on behalf of the petitioner; learned APP for the State and learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Telhara P.S. Case No. 43 of 2023 registered for the offence punishable under Sections 363, 366(A), 504 and 506 of the Indian Penal Code.

3. The allegation is of kidnapping the minor daughter of the informant on the pretext of marriage.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in the case. The petitioner and the daughter of the



informant were in love relationship and they have solemnized marriage. The petitioner has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submitted that at the time of commission of alleged offence, the victim was minor aged about 15 years and the petitioner was adult and mature aged about 27 years. The petitioner intentionally lured a minor girl attracting provisions of different sections of POCSO Act. However, at the same time, he refers to the statement of the victim recorded on 17.12.2024 under Section 164 Cr.P.C., in which she has admitted that she has solemnized marriage with the petitioner willingly without any pressure as she was in love relationship with him, though being minor, she was not aware of the consequences of the provisions of the POCSO Act. It will not mean that the petitioner has not committed any offence.

6. Supporting the submissions made on behalf of the State by the learned APP, Mr. Shyamal Prakash, learned counsel appearing on behalf of the informant submitted that the petitioner cannot be absolved from the rigors of the punishment in view of the allegation made in the F.I.R. by the father of the victim and as such, the petitioner don't deserve to be released on



bail.

7. I have perused the content of the F.I.R. and the statement of the victim recorded under Section 164 Cr.P.C., she was aged about 17 years at the time of recording of her statement under Section 164 Cr.P.C. wherein she has admitted that she has solemnized marriage with the petitioner and they are blessed with a female child and by today it appears that she has attained majority and she likes to continue her married life with the petitioner, as has been admitted in her statement and it would be in the interest of the two adult persons who out of their own desire want to live together. The petitioner, prima facie, has made out a case to be released on bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Telhara P.S. Case No. 43 of 2023, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

9. The District Court is directed to verify the criminal



antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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