

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39078 of 2025

Arising Out of PS. Case No.-565 Year-2024 Thana- KANTI District- Muzaffarpur

Santosh Kumar @ Santosh Kumar Sahni Son of Ram Chandra Sahni @ Ram Chandra Sahani, Resident at Mohalla Ward No. 09 Kanti, P.S.- Kanti, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Rabindra Prasad Singh, Advocate
For the Opposite Party	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-07-2025 Heard Mr. Rabindra Prasad Singh, learned counsel appearing on behalf of the petitioner and Mr. Bharat Bhushan, learned Additional Public Prosecutor appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Kanti P.S. Case No. 565 of 2024 registered under Sections 137(2) and 96 of the BNS.

3. As per the allegation made in the FIR, after enticing the minor sister of the informant the petitioner eloped with her and got married with the help of other co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submitted that it would appear from the impugned order that the specific statement has been made in the paragraph



no. 12 of the bail application that petitioner and the sister of the informant being major, they solemnized marriage which was not accepted by the informant and his family members and therefore, petitioner has been roped in the present false case. He further submitted that both petitioner and sister of informant are living happily.

5. Learned A.P.P. for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties as well as the information recorded by learned District Court in the impugned order dated 20.05.2025 that the victim was recovered, whereupon her statement was recorded under Section 183 of the BNSS on 22.10.2024 wherein she has accepted that she has willingly gone to Sikkim along with the petitioner and there they had solemnized marriage with each other in a Temple and since then, they are living together in Rajasthan and are happy. No allegation of any overt act has been alleged against the petitioner in the bail application, instead specific statement has been made that victim is major, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest 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. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate-III, West Muzaffarpur, in connection with **Kanti P.S. Case No. 565 of 2024**, subject to the condition as laid down under Section 438(2)j 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)

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