

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40724 of 2025

Arising Out of PS. Case No.-305 Year-2024 Thana- ADAPUR District- East Champaran

Bablu Kumar Son of Paspas Paswan Resident of village - Bela, P.S.-
Chhauradano, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Dr. Mrityunjaya Kr. Gautam, APP
For the Informant	:	Mr. Shamir Mehra, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-07-2025 Heard Mr. Ajay Kumar Singh, learned counsel appearing on behalf of the petitioner, Mr. Dr. Mrityunjaya Kr. Gautam, learned APP appearing on behalf of the State and Mr. Shamir Mehra, learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in connection with Adapur P.S. Case No. 305 of 2024 registered under Sections 137(2), 87 and 96 of the B.N.S.

3. As per the allegation made in the FIR, the petitioner kidnapped the minor daughter of the informant with an intention to marry her.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and the



victim, being in love relationship with the petitioner, willingly married to him, however, on false allegation made by the informant that the petitioner had kidnapped his minor daughter, the petitioner has been made accused in the present case. The learned District Court, in the impugned order dated 09.05.2025, has taken note of the statement of the victim recorded under Section 183 of the BNSS that she has voluntarily left her house and solemnized marriage with the petitioner on 01.09.2024 and started living with him happily. However, the victim has been taken to remand home, in spite of the fact that at the time of recording her statement the victim has stated that on the date of her marriage i.e. 01.09.2024 she was an adult, aged about 19-20 years. Learned counsel further submitted that the action of the State authority is also not in accordance with law because in spite of the willingness shown by the wife (victim) of the petitioner, they have kept her in her remand home. The petitioner has clean antecedent and on these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of Informant vehemently opposed the grant of pre-arrest bail of the petitioner on the ground that the petitioner has enticed the minor daughter of the informant and forcibly married with her and as such, the



petitioner don't deserve to be released on pre-arrest bail.

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

7. Considering the rival submissions made on behalf of the parties, as well as, the fact that in the impugned order dated 09.05.2025 the learned District Court has taken note of the fact that the victim in her statement recorded under Section 183 of the BNSS has stated that she has voluntarily left her house and aged about 19-20 years, she solemnized marriage with the petitioner on 01.09.2024 and started living with him happily, the petitioner is having clean antecedent, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on anticipatory bail.

8. 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/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge POCSO, Motihari at East Champaran in connection with Adapur P.S. Case No. 305 of 2024, subject to the condition as laid down under Section 482 of the BNSS.



9. 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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