

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41461 of 2025

Arising Out of PS. Case No.-68 Year-2023 Thana- MAHILA P.S. District- Samastipur

Sanjay Kumar S/O Ram Lolin Mahto @ Ram Laulin Mahto R/o Village-
Manika Bujurg P.S.- Sarairanjan District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Kumari D/O Shri Awadh Kumar Mahto R/o Village- Gadhsisae, P.S.- Vidyapatinagar, District- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Mishra, Advocate
For the Informant	:	Mr. Pramod Kumar Singh, Advocate
		Mr. Pravin Kumar, Advocate
		Mr. Amit Ranjan, Advocate
For the Opposite Party/s :		Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-10-2025 Heard Mr. Anant Kumar Mishra, learned counsel appearing on behalf of the petitioner; Mr. Pramod Kumar Singh, along with Mr. Pravin Kumar and Mr. Amit Ranjan, learned counsels appearing on behalf of the informant and Mr. Rajendra Nath Jha, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 68 of 2023 registered under Section 376 of the Indian Penal Code and Sections 4, 6, 8 and 12 of the POCSO Act.

3. As per the allegation made in the FIR, the petitioner committed physical and sexual wrong with a minor girl, who



was aged about 17 years at the time of the alleged incidence. It has been admitted that the victim girl/complainant was in a relationship with the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has falsely been implicated in the present case. The petitioner has admitted that he was in a love relationship with the victim girl, who is the complainant in the present case. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant has informed that the victim, who has become a major now, is ready to marry with the petitioner, who is till date in relationship with him.

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

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the Apex Court in case of *Naim Ahmed Vs. State (NCT of Delhi)*, reported in **2023 SCC Online SC 89** has observed that “*the complainant was very much capable of understanding the consequences of her action and if the relationship is not working out, the same*



*cannot be ground for lodging an F.I.R for the offence under Section 376 of Indian Penal Code” and in the case of **Sonu @ Subash Kumar Vs. State of Uttar Pradesh & Anr.**, reported in **2021 AIR SC 1405**, the learned District Court concerned is directed to consider the bail application of the petitioner in light of **Naim Ahmed (Supra)**.*

8. Till the learned District Court passes a fresh order, no coercive steps shall be taken against the petitioner in the aforesaid case.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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