

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44008 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- NARPATGANJ District- Araria

Md. Mahbub @ Mahbub S/o- Md. Anwarul @ Anwarul R/o- Rewahi Tola
Singrahi W.No-1, Ps- Narpatganj Dist- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hajrun D/o- Munish R/o- Rewahi, W.No-1, Ps- Narpatganj Dist- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 15-10-2025 Heard Mr. Ravindra Nath Dubey, learned counsel

 appearing on behalf of the petitioner and Mr. Dr. Ajeet Kumar,

 learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Narpatganj P.S. Case No. 117 of 2025 registered under
Sections 64(2),352,351(2),3(5), of the BNS and Section 4 of the
Protection of Children From Sexual Offences Act.

3. As per the allegation made in the FIR, the petitioner
allegedly 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 he has
falsely been implicated in the present case. The petitioner is



aged about 21 years and the victim, allegedly on the date of offence, was 16 years old. The petitioner and the victim were in love relationship and they got married after the victim having eloped with the petitioner. The petitioner has clean antecedent. On these grounds, the learned counsel submitted that no purpose will be served if the petitioner is subjected to face prosecution and sent behind the bars and the petitioner seeks to be released on pre-arrest bail.

5. Learned APP 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 factum of relationship between them, the petitioner, who has just emerged as an adult and the victim, who has attained adolescence age, are going through psychological, physiological, as well as, biological changes and infatuation and attraction for the opposite sex is natural and the petitioner may be unaware of the rigors of POCSO (Protection of Children From Sexual Offences) Act and they established relationship without considering that they are still minor and they got married with each other, however, till date the victim has not attained adulthood, the victim is required to live along with her parents till she attains her adulthood, I



am of the opinion that the petitioner has, *prima facie*, made out a case to be released on anticipatory bail and.

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/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Narpatganj P.S. Case No. 117 of 2025, subject to the condition as laid down under Section 482 of the BNSS//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)

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