

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47557 of 2025

Arising Out of PS. Case No.-162 Year-2025 Thana- BATHNAHA District- Sitamarhi

Sumit Kumar @ Golu S/o Rakesh Kumar @ Rakesh Prasad Resident of
Village- Khairwi, P.S.- Bathnaha, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX D/O Vinod Kumar Resident of Village- Khairwi, P.S.- Bathnaha, Dist- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-07-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 137(2), 96 and 3(5) of the BNS as well as Sections 4, 6 and 8 of the POCSO Act.

3. Learned counsel for the petitioner submits that petitioner is aged about 19 years and is a person with clean antecedent and the informant alleges that her date of birth is 29.07.2008 and she had come to her grandmother's house as she was ill where she got acquainted with the petitioner who owns a grocery shop. Further, in course of purchasing articles from the grocery shop, they came close and started talking and petitioner on pretext of marriage established physical relation with her. Further,



on 06.03.2025, petitioner along with Dipak Kumar took her on a motorcycle to Muzaffarpur and from there to Delhi. The informant next alleges that cousin of petitioner, namely, Bajrangi made the petitioner talk to his friend Manish who advised that informant is a minor, hence, marriage cannot be performed. Thereafter, petitioner and Bajrangi brought her to Gokulpuri metro railway station and fled away leaving her behind from where she came back home. The informant next alleges that father of the petitioner after giving assurance of marriage refused to marry.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that the FIR has been instituted in the year 2025 and the informant in the FIR alleges that her date of birth is 29.07.2008, as such, she was more than 17 years of age but then it is submitted that informant is a minor and no document during the course of investigation was produced to establish her minority. It is next submitted that even presuming what has been alleged is true without admitting then the informant had reached the age of discretion. It is also submitted that the victim was not examined medically and from the tenor of the allegation as alleged in the FIR, it manifests that the victim on her own sweet will left with the petitioner. It is submitted that the victim does not even remotely allege that when she left with the petitioner for Delhi, the



petitioner committed any act of atrocities. It is further submitted that petitioner is a young boy aged about 19 years and in the event in the nature of allegation as alleged if he is sent to judicial custody his entire career would get jeopardized and chances are bright that he may come in contact with the hardened criminals.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Bathnaha P.S. Case No. 162 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. One of the bailors of the petitioner shall be his maternal uncle, namely, Sanjay Kumar.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

