

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47354 of 2025

Arising Out of PS. Case No.-289 Year-2025 Thana- GAYA MUFASIL District- Gaya

Sanni Kumar S/o Madan Prasad R/o Village- Manpur Kumhar, P.S.- Muffasil,
District- Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] R/o Mohalla- Iguna Manjhauli, P.S.-
Muffasil, District- Gaya (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akash Kumar Mishra, Adv.
For the State	:	Mr.Md. Mushtaque Alam, APP
For the Informant	:	Mr. Abhishek Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-10-2025 Heard Mr. Akash Kumar Mishra, learned counsel for
the petitioner, Mr. Md. Mushtaque Alam, learned APP for the
State and Mr. Abhishek Rai, learned counsel for the informant.

2. Petitioner seeks regular bail in connection with
Gaya Muffasil P.S. Case No. 289/ 2025 dated 22.03.2025
registered for the offence(s) punishable under Section 137(2) of
the BNS later on Section 65(1) of the BNS and sections 4 and 6
of the POCSO Act were also added.

3. The main submissions advanced by the petitioner's
counsel are that the petitioner has been languishing in jail since
19.04.2025 having fair and clean antecedent and though before
the Judicial Magistrate, the victim made allegations against this



petitioner while recording her statement under section 183 of the BNSS but before the I.O., she did not make any allegation while recording her statement under section 180 of the BNSS and if the statement recorded by the victim under section 183 of the BNSS is taken to be true even then the allegation of forceful physical relation with the victim made by the petitioner does not appear to be believable as the victim accepted that she lived in the petitioner's house for some days in separate rooms but she neither tried to resist the petitioner's acts nor left the petitioner's house to disclose the petitioner's alleged acts and in this regard, she fully remained silent. It is further submitted that as per the medical examination report of the victim, her age was assessed to be between 18-19 years and no sign of rape or sexual intercourse were found on her body.

4. On the other hand, learned counsel for the informant has vehemently opposed the bail prayer of the petitioner and he submits that though the instant matter relates to the elopement of the victim with the petitioner but the victim's consent in elopement as well as in establishing the physical relation is immaterial as at the time of commission of the alleged occurrence as well as establishing physical relation, she was a minor girl and in order to prove her age, the victim's



birth certificate issued by the Government of Chhattisgarh has been filed before the I.O. and the same is available in the case diary.

5. Learned APP appearing for the State has also opposed the bail prayer of the petitioner.

6. Considering the contradictions in between the victim’s statements recorded under sections 180 and 183 of the BNSS, as pointed out by the petitioner's counsel, and elopement of the victim with this petitioner, as admitted by the informant’s counsel, coupled with the custody period of the petitioner, this court is inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be released on bail in connection with Gaya Muffasil P.S. Case No. 289/ 2025 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

BKS/-

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

