

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52580 of 2025

Arising Out of PS. Case No.-319 Year-2024 Thana- ISHAKCHAK District- Bhagalpur

Md. Chand S/o- Md. Afroj @ Mohd. Afroj Village- Chutiya Ps- Shambhuganj
Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rokhsana W/o- Md. Ayub Village- Ishakchak Near Ishakchak Masjid Ps-
Ishakchak Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Gupta, Advocate.
For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 10-12-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Ishakchak P.S. Case No. 319 of 2024 registered under
Sections 137(2), 96 and 3(5) of the BNS.

3. As per the allegation made in the FIR, the petitioner
allegedly kidnapped the minor maternal grand-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 was in relationship with him.



Without any inducement, the victim accompanied him for Delhi where they solemnized marriage. After lodging of F.I.R., the victim returned back and her statement under Section 183 BNSS was recorded wherein she has admitted that petitioner is her boy friend and she has not alleged anything against the petitioner with regard to physical or sexual assault with her. The petitioner has clean antecedent. On these grounds, the learned counsel seeks that the petitioner be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

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 also the fact that the victim is living along with her parents and there may be a case that she might have been tutored, but her admission shows that the petitioner is her boy friend and they were knowing each other, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.



7. The learned District Court is directed to release the petitioner on pre-arrest 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 Ishakchak P.S. Case No. 319 of 2024, subject to the condition as laid down under Section 482 of the BNSS / 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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