

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52436 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- BARAHAT District- Banka

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Toofani Paswan S/o Munilal Paswan R/o Village - Charwa, P.S - Barahat,
District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amarjeet Paswan S/o Mahanand Paswan R/o Village - Charwa, P.S -
Barahat, District - Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Brij Nandan Prasad, Adv.
For the State	:	Mr. Vinod Shanker Modi, APP
For the Informant	:	Mr. Chandra Shekhar Sharma, Adv.

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-12-2025 Heard senior learned counsel for the petitioner,

learned Additional Public Prosecutor for the State and learned

counsel for the informant.

2. The petitioner seeks bail in a case registered for the

offence punishable under Sections 96, 351(2)/352 of the B.N.S.

and Section 8/12 of the POCSO Act.

3. The case of the prosecution is that the petitioner

had allured the informant's daughter and took her away with an

intention to marry.

4. Learned counsel for the petitioner submits that the

present case is that of a love relationship between the petitioner

and the victim and the victim after her recovery has stated in her

statement under both 180 and 183 of the BNSS that she had



voluntarily left with the petitioner to Delhi and even performed marriage with him and she came back when she got information from her in-laws that a case had been filed by her parents. She has even stated that she wants to go back to her matrimonial household. She has also disclosed her age in the statement under 183 of the BNSS as 19 years. It is further submitted that even as per the medical report her age has been assessed to be above 18 years. In such view of the matter, the provisions of the POCSO Act would not get attracted. The petitioner is in custody since 17.04.2025 and the charge-sheet has already been submitted.

5. Learned APP for the State and learned counsel for the opposite party no. 2 (informant) have opposed the application for bail. Learned counsel for the opposite party no. 2 (informant) also confirms the fact that the petitioner and the victim are now married to each other and hence, does not oppose the present bail application.

6. Taking into consideration the facts and circumstances and also considering the fact that the petitioner and the victim are now married to each other with the consent of the parents coupled with the fact that the petitioner has no criminal antecedent and charge-sheet has already been



submitted, let the above named petitioner, be enlarged on bail on
furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of the
learned court below where the case is pending/successor court
in connection with Barahat P.S. Case No. 41 of 2025.

(Soni Shrivastava, J)

devendra/-

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