

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55662 of 2025

Arising Out of PS. Case No.-821 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Sahil Kumar Patel S/O Shiv Kumar Patel Resident of village- Miscort, P.S-
Town,District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suman Kumar Mishra S/o Late Umakant Mishra R/O - Bheriyahi, P.S.-
Sikarganj, Dist.- East Champaran, Motihari

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
Mr. Dhanajay Kumar Gupta, Advocate
Mr. Sumit Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-09-2025 Heard Mr. Sharda Nand Mishra, along with Mr.

Dhanajay Kumar Gupta and Mr. Sumit Kumar Gupta, learned
counsels appearing on behalf of the petitioner and Mr. Satyendra
Narayan Singh, learned APP for the State.

2. The petitioner seek bail in connection with Town
P.S. Case No. 821 of 2024 registered under Sections 137(2), 96,
3(5) of the BNS.

3. As per the allegation made in the FIR, the petitioner
eloped with the minor daughter of the informant with an
intention to marry with her.

4. Learned counsel appearing on behalf of petitioner



submitted that the victim on her own has given her statement under Section 183 of the BNSS, admitting that she had voluntarily left her house and performed marriage with the petitioner. He further submitted that no allegation of any assault or sexual wrong has been alleged against the petitioner. The petitioner has clean antecedent. On these grounds, 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. Considering the rival submissions made on behalf of the parties, as well as, having perused the impugned order, from where, it has been recorded that the victim in her statement recorded under Section 183 of the BNSS has stated that she had left her house voluntarily, however, the learned District Court rejected the pre-arrest bail of the petitioner on the ground that the victim is minor, I find that the victim has not alleged any overt act committed by the petitioner in her statement recorded under Section 183 of the BNSS. In absence of allegation of assault or the petitioner had committed any sexual wrong with the victim, I find that the petitioner has made out a *prima facie* case to be released on pre-arrest bail.

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 6th District & Additional Sessions Judge – cum- Exclusive Special Judge, POCSO Act, East Champaran, Motihari/successor court in connection with Town P.S. Case No. 821 of 2024 , subject to the condition as laid down under Section 482 of the BNSS.

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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