

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58867 of 2025

Arising Out of PS. Case No.-26 Year-2023 Thana- BAHADURPUR District- Patna

Harsh Bardhan Singh @ Harsh Vardhan Singh, aged about 50 years, Gender- Male, S/o Anirudh Prasad Singh R/o Village - Basti, P.S - Harnaut, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinki @ Rinki Singh W/o Harshvardhan singh, D/o- Sri Chandra Shekhar Singh R/o- Vill- mohalla and P.S.- Bahadurpur, District- Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mayank Bilochan, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP
For the informant	:	Mr. S.N.P. Singh, Sr. Advocate
		Mr. Kumar Sameer, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner, learned senior counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bahadurpur Police Station Case Number 26 of 2023, dated 23rd January 2023, registered for offences punishable under Sections 494, 495 & 498A of the Indian Penal Code,, Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012 (for short ‘POCSO Act’) and Sections 3 and 9 of the Prohibition of Child Marriage Act, 2006.

3. As per the prosecution case, the marriage between the informant and the petitioner was solemnized on 02.06.2006,



and they have a 15-year-old son. The informant has alleged that the petitioner subjected her to cruelty and demanded land after their marriage. It is further stated that the petitioner is presently employed as a Station Master at Bihar Sharif Railway Station. It is also alleged by the informant that the petitioner contracted a second marriage suppressing the fact that he was already married with one Annu Kumari, a minor girl born on 15.10.2005, who had passed her matriculation examination in the year 2021. The said marriage allegedly took place on 02.06.2022 at Mahavir Colony, Bahadurpur, Patna, in the presence of the petitioner's parents and other family members. The informant has specifically stated that no divorce has taken place between her and the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted that the petitioner is the husband of the informant. It is further submitted that earlier also, the informant had filed Complaint Case No. 246 of 2016 against the petitioner under Section 498A of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, in which the petitioner was granted bail. It is next submitted that further proceedings of the said case has been stayed and it is pertinent



to mention that the said complaint was instituted only after the informant received notice in Divorce Case No. 303 of 2015 pending before the Family Court, Bihar Sharif. The informant has also filed Maintenance Case No. 82(M) of 2017, which is still pending. It is further submitted that according to the prosecution case, it has been alleged that the petitioner solemnized a second marriage on 02.06.2022 with one Annu Kumari, who is alleged to be a minor. The said allegation is false and fabricated. In fact, after a long separation from the informant, the petitioner solemnized marriage with the co-accused/victim of his own free will and consent. The co-accused/victim is a major and has been blessed with a male child out of the wedlock with the petitioner. It is further submitted that neither the victim nor her family members have ever made any complaint at any point of time before any authority. Hence, the provisions of Sections 4 and 6 of the POCSO Act are not attracted in the present case. It is next submitted that the victim herself has been arrayed as one of the accused in this case. Lastly, it is submitted that the petitioner has been in custody since 21st June 2025 although having one criminal case pending against him, filed by the informant of the present case, in which he is on bail.



5. Learned senior counsel for the informant and learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-VII-cum Special Judge, POCSO, Patna in connection with Spl. (POCSO) Case No. 294 of 2024 arising out of Bahadurpur P.S. Case No. 26 of 2023.

7. The application stands allowed.

(Khatim Reza, J)

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