

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57973 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- UDAKISHUNGANJ District- Madhepura

Kaju Kumar Yadav S/o- Pintu Yadav @ Pintu Kumar R/o Village-Anandpura
P.S-Udakishunganj District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mukesh Kumar S/o- Raj Kumar Pandit Village- Haraili Sonbarsa W.No-1,
Ps- Udakishunganj Dist- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Udakishunganj P.S. Case No. 55 of 2025 registered for the alleged offences under Sections 137(2), 96 of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the minor daughter of the informant was enticed away by the petitioner.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The statement of the victim girl was recorded under Section 183 of BNSS in which she has specifically stated that she had gone with the petitioner out of her sweet will and has



solemnized marriage with the petitioner. The petitioner is neither kidnapped the victim girl nor used any force against her. The present case has been lodged after due deliberation and afterthought. For an occurrence of dated 03.02.2025, the FIR has been lodged on 14.02.2025 and there is no explanation for the delay. Petitioner and victim girl are major and they were in love with each other and they solemnized marriage and the victim girl has been staying in the house of the petitioner. The petitioner has neither kidnapped the daughter of the informant nor enticed her away and the entire allegation against the petitioner is absurd, concocted and malicious. The learned counsel further submits that there is no allegation of any sexual assault. The petitioner is in custody since 15.02.2025 and charge-sheet has been submitted under Sections 137(2) and 96 of BNS. The petitioner is having antecedent of four cases and in all the cases, he has been granted bail.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that from the rejection order, it appears that the victim girl was minor and her age was assessed by the learned Magistrate as 16 years and her consent is immaterial. Even in the school certificate of the victim girl, her age was 14 years and consent of a minor girl is



immaterial.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Udakishunganj, District-Madhepura/court concerned in connection with Udakishunganj P.S. Case No. 55 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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