

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63977 of 2025

Arising Out of PS. Case No.-256 Year-2025 Thana- MAHUA District- Vaishali

Manish Kumar @ Manish Kumar Ram Son of Manoj Ram R/O Village and Post - Vishunpur, Bejha, P.S.- Mahua, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Kamleshwar Ram R/O Village and Post - Vishunpur Bejha, P.S.- Mahua, District - Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Himanshu Ranjan
For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-09-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. Petitioner apprehends his arrest in connection with Mahua P.S. Case No.256/2025, registered for the offences punishable under Sections 137(2), 87, 3(5) of the B.N.S. and Sections 8 and 12 of POCSO Act.

3. Learned counsel appearing on behalf of the petitioner submits that petitioner has antecedent of one case and the informant alleges that his minor daughter aged about 15 years had gone to the market on 25.02.2025 at 6.30 P.M. but did not return, thereafter a search was made, when he came to know



the next day that accused persons including the petitioner had kidnapped her.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that petitioner and the victim were in love and they eloped. It is also submitted that no doubt in the FIR, it has been alleged that victim is aged about 15 years but then a specific pleading has been made at Para-9 of the anticipatory bail application, wherein it has been pleaded that in the Aadhar Card, the date of birth of the victim was recorded as 22.08.2007, and thereafter, the Aadhar Card was updated and her date of birth was changed to 22.08.2009 for the purposes of started schooling afresh. The learned counsel next submits that updated Aadhar Card of the victim is annexed as Annexure-P/3 to the anticipatory bail application. It is fairly submitted that if the date of birth of the victim is to be treated as 22.08.2007, then also, on the date of occurrence, the victim was 17 years 6 months and odd but then it can well be submitted that she had reached the age of discretion but if her date of birth recorded on the updated Aadhar Card is taken into account, the victim would be 15 years of age on the date of occurrence. It is next submitted that victim



came back and her statement was recorded under Section 183 B.N.S.S., wherein she has not supported the case of the prosecution rather has stated that she has married the petitioner and did not show her willingness to accompany her parents, as such, she is languishing in remand home. It is submitted that no useful purpose would be served by sending the petitioner to jail when the victim has not supported the case of the prosecution and she had reached the age of discretion, when the occurrence is alleged to have been committed.

5. Learned APP for the State and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner. The learned counsel appearing on behalf of the informant submits that the victim on the date of occurrence was 15 years and odd and vehemently disputes Annexure-P/3 of the anticipatory bail application but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that victim has not supported the case of the prosecution in her statement recorded under Section 183 B.N.S.S. and presently she is languishing in a remand home.

6. Learned counsel appearing on behalf of the petitioner, at this stage, seeks permission to withdraw the



anticipatory bail application with liberty to the petitioner to
surrender and seek regular bail.

7. Permission is accorded.

8. It is made clear that in the event if the petitioner
surrenders on or before 14.10.2025, in that event, the learned
trial court shall consider the case of the petitioner keeping in
mind the fact that victim has not supported the case of the
prosecution and is presently residing in a remand home.

(Satyavrat Verma, J)

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