

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67063 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- BAHADURGANJ District- Kishanganj

Md. Raja @ Raja Babu, Gender, Male, aged about 22 years, Son of Md. Jamil Akhtar @ Janiruddin R/o- Sona Dighi Saranda Ps- Bahadurganj Dist- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jinat Begum D/o- Razibuddin R/o- Barodanga W.No-14, Po- Natua Para Ps- Bahadurganj Dist- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amal Kumar Sinha, Advocate
For the State	:	Mr.Nitya Nand Tiwary, APP
For OP No.2	:	Mr. Rajnish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-03-2025 Heard Mr. Amal Kumar Sinha, learned counsel appearing on behalf of the petitioner; Mr. Nitya Nand Tiwary, learned APP for the State and Mr. Rajnish Kumar, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Bahadurganj P.S. Case No. 178/2024 registered for the offence(s) punishable under Sections 376 and 313 of the Indian Penal Code and Section 4/8 of POCSO Act.

3. As per the allegation made in the FIR, on the pretext of marriage, the petitioner has committed wrong with the informant/victim.

4. Learned counsel appearing on behalf of the



petitioner submitted that the victim on her own has accompanied the petitioner. He further submitted that at the relevant point of time, when they were in love relationship, the petitioner was aged about 22 years and victim was aged about 17 years. At this adolescent age, the youths have infatuation for each other. Learned counsel further submitted, taking into consideration the age of the petitioner, as well as, the victim at the relevant point of time and their psychological, physiological as well as biological changes which take place at such age, both the petitioner and the victim, remain unaware of the rigors of the offence committed under the POSCO Act. Petitioner has clean antecedent.

5. Mr. Rajnish Kumar, learned counsel, has tendered his appearance on behalf of the informant and has vehemently opposed the prayer for grant of pre-arrest bail. He submitted that the petitioner enticed the informant, who is minor and on the pretext of getting married with her, he committed wrong with the informant.

6. Learned APP for the State also vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that it is not denied that



informant was minor during the period, she has alleged the offence committed by the petitioner but considering the adolescence age of victim and age of the petitioner, who has just emerged as an adult and they are/were undergoing psychological, physiological as well as biological changes and infatuation and attraction for the opposite sex is natural at such age. The allegation that the petitioner lived with her for one year and after establishing physical relationship cannot be said that there was no element of love relationship between the informant and the petitioner. I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be released on pre-arrest 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st-cum-Special Judge, Kishanganj in connection with Bahadurganj P.S. Case No. 178/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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