

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66602 of 2025

Arising Out of PS. Case No.-150 Year-2025 Thana- BARARI District- Katihar

Md. Samaun @ Samaun, S/O Md. Abujar, R/O Vill.- Badwa Tola Jagdishpur,
P.S.- Barari, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Adv.
For the Opposite Party/s	:	Mr. Tarkeshwar Nath Thakur, App.
For the Informant	:	Mr. Sanjeev Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-09-2025 Heard Mr. Bhola Prasad, learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State. The informant appears through Mr. Sanjeev Kumar Singh, learned Advocate.

2. The petitioner apprehends his arrest in connection with Barari P.S. Case No. 150 of 2025, registered for the offences punishable under Sections 96 and 137(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly the minor daughter of the informant is said to have been enticed away by the petitioner on the pretext of marriage with the help of co-accused persons, who are said to be the family members.

4. Learned Advocate appearing on behalf of the



petitioner submitted that in fact, both the petitioner and the victim girl were in love and on the fateful day, she voluntarily left her house with the petitioner and later on, after having come to know that the present FIR has been instituted, ensured her appearance, whereupon her statement has been recorded under Section 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita, wherein she categorically stated that she knew the petitioner for the last three years and she is in love with the petitioner and later on, she voluntarily went to Purnea with the petitioner by Scorpio and further to Patna, by bus, at her own consent. Moreover, the petitioner was subjected to medical examination where the doctor has opined her age to be 17-18 years, hence it is the contention of the petitioner that the victim was not a minor.

5. Learned Advocate for the informant submitted at the Bar that now the matter has been settled between the parties and both of them do not want to proceed any further. Learned Advocate for the State, however, confronted the submissions and submitted that the school certificates speak something otherwise and, in fact, the petitioner was minor on the alleged date of occurrence and thus, her consent has no meaning in the eyes of law.



6. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the statement of the victim recorded under Section 183 Bharatiya Nagarik Suraksha Sanhita and further the medical report, coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st, Katihar in connection with Barari P.S. Case No. 150 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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