

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72643 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- BALIA BELON District- Katihar

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Saurav Poddar @ Saurav @ Soreb Kumar S/o Jawahar Poddar @ Jawahar Poddar R/o Village - Simri (Simri Bakhtiyarpur), Ward No. 15, P.S - Simri Bakhtiyarpur, District - Saharsa (Bihar). Petitioner/s

Versus

1. The State of Bihar.
2. Aarati Kumari D/o Manoj Kumar R/o Village - Bideypur, P.S - Baliya Belaun, District – Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-11-2025 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with G.R. No. 2406/2025 arising out of Balia Belon P.S. Case No. 60/2025, registered for the offence under Sections 126(2), 115(2), 352, 96, 65(1) of BNS, 2023, Sections 8 and 4 of POCSO Act and 66(E), 67(A) of I.T. Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 31.05.2025.

4. As per FIR, the allegation against the petitioner is of forced marriage and thereafter to established physical relationship with the informant on several occasions.

5. Learned counsel appearing on behalf of the petitioner



submitted that on the date of occurrence i.e. on 01.07.2024, the informant/victim was major because as per her school certificate (Annexure-P/2), her date of birth is 9th of October, 2005. It is further submitted that even as per FIR, informant stated that she went on her own alongwith this petitioner but for the simple reason as marriage was solemnized in absence of parents of the informant, due to same the present false allegation was raised saying that at the time of occurrence she was 16 years old. It is submitted that after solemnizing marriage, a certificate was issued by Arya Samaj Vaishrik Hindu Vivah Trust, Vishwas Nagar, Delhi-110032 and, subsequently, a marriage deed dated 29th of July 2024 was also executed between the parties. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions, *prima facie*, it transpires that the informant being major married with petitioner and due to certain post marriage differences, the present implication raised against the petitioner, coupled with the fact that investigation of this case is already completed, where petitioner



remains in custody since 31.05.2025, accordingly, petitioner above named, is directed to be released on bail in connection with G.R. No. 2406/2025 arising out of Balia Belon P.S. Case No. 60/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-VII-cum-Spl. Judge, POCSO, Katihar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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