

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71116 of 2025

Arising Out of PS. Case No.-96 Year-2024 Thana- MARAUNA District- Supaul

Lakshman Singh @ Lakshman Kumar Son of Bideshwar Singh @ Bindeshwar Singh R/O Village - Kouwa Tol, Ward No.- 12, P.S.- Marauna, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Y R/O Village - Z, SHO, Marauna Police Station - Supaul in Marauna P.S.- 96/2024, District - Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Alias Ashok Karn, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 17-11-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 87, 3(5) of the B.N.S., 2023.

3. The allegation in the first information report is that the informant's daughter, aged about 20 years, was kidnapped by the petitioner and other accused persons for the purposes of marriage.

4. Learned counsel for the petitioner submits that the petitioner has not kidnapped the victim rather the daughter of the informant who is a major, 20 years of age, has taken an



independent decision of going along with the petitioner with whom she was having a love affair and has even stayed with him by her own choice and both solemnized marriage on 26.09.2024, a certificate of which has been annexed as Annexure-P/2. It has been further submitted that there is a delay of four days in lodging the first information report for which there is no explanation tendered. Further, there is divergence in the statement made by the victim under Section 180 of B.N.S.S. and Section 183 of B.N.S.S., however the statement made under Section 183 of B.N.S.S. would make it clear that she has stayed with the petitioner for three months at Delhi where they had got married and she made a categorical statement that the petitioner did not do any wrong act with her and did not commit her rape. The medical report of the victim also shows that no spermatozoa was found.

5. Learned APP for the State opposed the grant of bail on the ground that the petitioner had kidnapped the victim for the purposes of marriage.

6. Taking into account the facts and circumstances and also considering that the victim is major girl, who seems to have taken an informed and conscious decision of going along with the petitioner with whom she stayed for several days and



even got married with no allegation of any sexual assault upon her at the hands of the petitioner coupled with the fact that there is delay of four days in lodging the F.I.R. and the petitioner has been languishing in custody since 04.08.2025 having no criminal antecedent, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Marauna P.S. Case No.96 of 2024.

(Soni Shrivastava, J)

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