

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4027 of 2026

Arising Out of PS. Case No.-88 Year-2025 Thana- Amhara District- Lakhisarai

Soni Mahato @ Sunni Kumar Son of Jito Mahato @ Jitan Mahato @ Jitendra Mahato Resident of Village- Kachhiyaha, P.S.- Amhara, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bimla Devi Wife of Late Laxmi Mahto Resident of Village- Amhara, P.S- Amhara, District- Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-04-2026 Heard Mr. Manoj Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Surendra Prasad Singh, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Amhara P.S. Case No. 88 of 2025 registered under Sections 140(3) and 137(2) of the BNS.

3. As per the allegation made in the FIR, on 04.09.2025 the informant's minor daughter went missing from the market and it is alleged that she was enticed away by the petitioner (Soni Mahato), and upon visiting his house, the informant was allegedly abused and assaulted by the named accused persons.



4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has falsely been implicated in the present case. The victim in her statements recorded under Section 183 of the BNSS has given information that she willingly married with the petitioner and they are living together. Both parties were in relationship for quite sometime and enjoyed each other's company for months together and indulged in sexual act and as such, it cannot be said to be induced or involuntarily. The relationship was consensual. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. *Per contra*, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the submissions advanced on behalf of the parties and upon perusal of the materials available on record, it appears that the allegation against the petitioner is of abducting the minor daughter of the informant with an intent to marry her. However, it transpires from the statement of the victim recorded under Section 183 of the BNSS that she has categorically stated that she had voluntarily gone with the petitioner and solemnized marriage with him on her own, without any force, coercion or inducement. The parties were in a



consensual love relationship prior to the alleged occurrence. It is well settled that the statement of the alleged victim is required to be given due weight and consideration.

7. In case of *State of U.P. vs. Anirudh & Anr. reported in 2026 LiveLaw(SC)29*, the Apex Court has observed that where the relationship between the parties appears to be consensual and founded on mutual affection, the same is a relevant factor to be borne in mind while considering matters relating to bail and prosecution. In the present case, the victim, in her statement, has indicated that she had accompanied the petitioner on her own. In such circumstances, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail

8. The learned District Court is directed to release the petitioner on anticipatory 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/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Amhara P.S. Case No. 88 of 2025, subject to the condition as laid down under Section 482 of the BNSS.

9. The learned District Court is directed to verify



the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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