

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5088 of 2026

Arising Out of PS. Case No.-140 Year-2025 Thana- SIRISIYA District- West Champaran

Basant Kumar Ram @ Basant Ram @ Basant Kumar, Gender, Male, aged
about 23 years, S/o Chandi Ram R/o Village - Ward no. 01, Khairwa Tola,
P.S - Chanpatia, District - West Champaran Petitioner/s
Versus

1. The State of Bihar
2. XXXX Gender, Female, aged about 17 years, D/o YYYY R/o Village - Ward
No. 1, Khairwa Tola, P.S - Sirisiya, District - West Champaran
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate
For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-04-2026 At the outset, learned counsel appearing on behalf of

the petitioner seeks to delete para no.14 of the bail petition in
course of the day.

2. Permission is accorded.

3. Heard Mr. Umesh Kumar Gupta, learned counsel
appearing on behalf of the petitioner and Ms. Renu Kumari,
learned APP for the State.

4. The petitioner seeks pre-arrest bail in connection
with Sirisiya P.S. Case No. 140 of 2025 registered for the
offence(s) punishable under Sections 64, 96 and 137(2) of the
BNS and Sections 4, 6 and 8 of the POCSO Act.

5. As per the allegation made in the FIR, the
petitioner on the pretext of marriage has established physical
relationship with the informant.



6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he was in love relationship with the victim and has not forcibly kidnapped her, rather the victim girl willingly went with the petitioner and the said fact is evident as the informant has admitted in the FIR that no force was put to her to accompany along with the petitioner to go to Chandigarh and the very allegation that the petitioner had forced and kidnapped her does not sustain. From perusal of the FIR, it is apparent that both parties were in relationship for quite some time and enjoyed each other's company for months together. The relationship was consensual. Learned counsel further submitted mother of the petitioner had lodged case against the father of the present informant and the informant was putting pressure on the petitioner to marry with her and lastly when she could not become successful in persuading the petitioner to marry with her, she on the advise of her parents has lodged the present case against the petitioner on basis of the frivolous allegation.

7. Mr. Ram Kishun Prasad, 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 has committed crime with the



informant by establishing unnatural sex with her and also subjected her to cruelty and assault and, as such, he don't deserve to be released on pre-arrest bail.

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

9. 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 informant who is minor 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 gone with the petitioner 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.

10. 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 gone with the petitioner without any force, coercion or inducement. 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 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 Special Judge, POCSO-cum-District and Additional Sessions Judge-VI, Bettiah, West Champaran / Concerned Court in connection with Sirisiya P.S. Case No. 140 of 2025 , subject to the conditions as laid down under Section 482(2) of the BNSS.

11. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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