

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9949 of 2026

Arising Out of PS. Case No.-126 Year-2025 Thana- HULASGANJ District- Jehanabad

Rohit Kumar @ Suraj Kumar S/O Navlesh Malakar @ Navlesh Kumar R/O
Village- Bhane Bigha, P.S- Makhdumpur, Distt.- Jehanabad.

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. X S/O Y R/O Village- Musauli, P.S- Hulasganj, Distt.- Jehanabad.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State. None appears on behalf of opposite party
No. 2.

2. The petitioner seeks bail in connection with
Hulasganj P.S. Case No. 126 of 2025/POCSO Case No. 79 of
2025, initially registered for the offence under Sections 96 and
3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 4 of the
POCSO Act, however, later on charge-sheet has been submitted
under Sections 137(2), 96 and 3(5) of the Bhartiya Nyaya
Sanhita, 2023 and Sections 4 and 8 of the POCSO Act and
cognizance was taken under Sections 64(1), 137(2) and 87 of
the Bhartiya Nyaya Sanhita, 2023 and Sections 4 and 8 of the
POCSO Act.



3. As per the prosecution case, the daughter of the informant used to study at Islampur and, on 24.03.2025, when the daughter of the informant went to attend the coaching classes and did not return by evening, search was made and during course of search, the informant came to know that the petitioner has abducted the informant's daughter for the purpose of marriage with the help of his father and sister.

4. Learned counsel appearing for the petitioner submits that, in fact, the petitioner and the victim were in love and the victim willfully joined the company of the petitioner and there is no element of enticing away or taking away as envisaged under Section 137(2) of the BNS so as to constitute offence under Section 96 BNS and both of them have married together willfully and as per the statement of victim recorded under Section 183 of the BNSS, she willfully married with the petitioner.

5. Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the statement of the victim under Section 183 of the BNSS, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned
Additional Sessions Judge-VI-cum-Exclusive Special Judge
(POCSO), Jehanabad, in connection with Hulasganj P.S. Case
No. 126 of 2025/POCSO Case No. 79 of 2025.

(Praveen Kumar, J)

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