

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9434 of 2026

Arising Out of PS. Case No.-316 Year-2024 Thana- MANJHI District- Saran

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1. Chhatthi Devi @ Chhoti Kumar @ Choti Kumari @ Chhoti Kumari D/o- Late Parmatma Mahto, W/o- Prem Kumar Mahto Resident of Village- Harnathpur Police Station- Raghunathpur District- Siwan
 2. Shrawan Kumar @ Shrawan Kumar Mahto @ Sharwan Kumar S/o- Late Parmatma Mahto R/v- Kabirpar Ps- Manjhi Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 03-06-2026 Heard Dr. Rajesh Kumar Singh, learned Advocate for the petitioners and learned Additional Public Prosecutor for the State through virtual mode.

2. The petitioners are apprehending their arrest in connection with Manjhi P.S. Case No. 316 of 2024, registered for the offences punishable under Sections 137(2), 96 of the BNS.

3. As per the prosecution case, the petitioner no. 2 has taken away the minor daughter of the informant on 12.10.2024. When the informant complained about the same to the family members of the petitioner no. 2, they assaulted the informant. Despite best effort and call made to petitioner no. 2 on his mobile, he flatly refused to return the victim.

4. Learned Advocate for the petitioners submitted that in fact the victim girl and the petitioner no. 2 was in good



relationship and they voluntarily left their house and solemnized marriage in Arya Samaj Mandir. To support the aforesaid contention, certificate of marriage duly issued by the Arya Samaj Mandir (Trust) has been place on record as Annexure 3. It is further contended that the statement of the victim was also recorded under Section 183 BNSS, wherein she has categorically stated that despite assurance given by the family members that they will solemnize marriage with petitioner no. 2, they later refused to do so and brutally assaulted, whereupon she left her house and went along with the petitioner no. 2 and solemnized marriage. It is further submitted that the parents of the petitioner no. 2 have been keeping her with all respect. It is lastly contended that the date of birth of the victim is 01.01.2005 and as such on the alleged date of occurrence she was major. It is further contended that be that as it may, now after recording the statement of the victim, she was sent before the Child Welfare Committee, Saran at Chhapra and later on she was released in favour of her *nanad Manju Devi*, sister of the petitioners on 31.01.2026.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that from the F.I.R and the materials available on record it clearly



suggests that the victim was minor on the alleged date of occurrence and as such her consent has no force in the eyes of law.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the statement of the victim recorded under Section 183 of BNSS, coupled with the fact that both the petitioner no. 2 and the victim have solemnized marriage, and now the victim has been released in favour of the sister of the petitioners, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Saran at Chapra in connection with Manjhi P.S. Case No. 316 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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