

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14361 of 2026

Arising Out of PS. Case No.-294 Year-2025 Thana- HARNAUT District- Nalanda

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Dhiraj Kumar S/O Late Bhuttu Jamadar @ Shideshar Vind R/O Village-
Kichni, P.S-Harnaut, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X S/O Bengali Jamadar R/O Village- Kichni, P.S- Harnaut, Dist.- Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Advocate
For the State	:	Mr.Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 24-06-2026 The notice sent upon opposite party no. 2 has been received by his mother but there is no representation on behalf of opposite party no. 2. Finally, for validating the service, jointness application has already been allowed by a learned Co-ordinate Bench and thus, the service has been found satisfactory.

02. Heard learned counsel for the petitioner and learned APP for the State.

03. In the present case, the petitioner seeks bail in connection with Harnaut P.S. Case No. 294 of 2025 registered for the alleged offences under Sections 96, 3(5) of BNS, however, charge sheet has been submitted under Sections 83,



84, 85, 65(1) of BNS and Sections 4 & 6 of the POCSO Act.

04. As per prosecution case, the minor daughter of the informant left her house without any information to the informant and took away Rs.Four lakhs in cash and a number of gold ornaments. The name of the petitioner came in the written application of the informant showing his suspicion that the petitioner was involved in elopement of his daughter.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged after delay of nine days which shows after thought and deliberation. The daughter of the informant was major and the informant married her to some other boy. But the daughter of the informant did not like him as she was in love with the petitioner. She left her house and went to Delhi with the petitioner and they solemnized marriage in a temple. In her statement recorded under Section 180 BNSS she stated that her parents married her with a mad man and for this reason, she fled away. The statement of the victim girl has also been recorded under Section 183 BNSS wherein she stated that she has been in love with the petitioner and she voluntarily left her house and went with the petitioner to Delhi where they solemnized marriage. The marriage was accepted by the family



of the petitioner but not by her family members. She showed her willingness to go to her matrimonial home and she has categorically stated that she went with the petitioner on her own and she was not forced by him. Learned counsel further submits that the age of the victim was though assessed to be 16 years but she is major and her marriage by her parents proves it. Learned counsel further submits that the petitioner is aged about 21 years and he is having clean antecedent. The petitioner is in custody since 30.07.2025 and charge sheet has been submitted.

06. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the consent of minor is immaterial and in her statement under Section 183 BNSS she also stated about the petitioner establishing physical relationship with her.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the victim girl and her age at which a girl develops sufficient maturity and further considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IV, Biharsharif cum Exclusive Special Judge, POCSO, Nalanda at Biharsharif/concerned Court in connection with Harnaut P.S. Case No. 294 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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