

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15089 of 2026

Arising Out of PS. Case No.-296 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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Golten Paswan @ Golten Kumar @ Gulten Kumar, Son of Bachalal Paswan
R/o Village - Nandpur, P.S. - Sangrampur, Dist. - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX Son of Y R/o Village - Nandpur, P.S. - Sangrampur, Dist. - East
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate.

For the Opposite Party/s : Mr.Mohammed Arif, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-03-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Sangrampur P.S. Case No. 296 of 2023 registered for the
offence punishable under Section 366A/34 of the Indian Penal
Code and Sections 7/8 of the POCSO Act.

3. As per the allegation made in the FIR, petitioner
had kidnapped the minor daughter of the informant with an
intention to marry with her.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has
falsely been implicated in the case. As per the impugned order,



the victim in her statement recorded under Section 164 Cr.P.C. has stated that she had fled away with the petitioner voluntarily. Learned counsel further submits that the petitioner has just emerged as an adult being aged about 21 years and the victim is aged about 15 years and at this stage, natural attraction for the opposite sex cannot be denied coupled with the several psychological and physiological change person undergo. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the rival submissions made on behalf of the parties, as well as, the nature of allegation made in the FIR and the petitioner, who is 21 years old, has just emerged as an adult, going through psychological, physiological, as well as, biological changes and infatuation and attraction for the opposite sex is natural and he may be unaware of the rigors of his wrong doing. Consideration in this regard can be made in light of the law laid down by the Madras High Court in the case of *Vijayalakshmi & Anr. vs. State Rep. by the Inspector of Police & Anr.* reported in (2021) SCC OnLine Mad 317. Learned District Court is directed to verify the statement of the



victim recorded under Section 164 Cr.P.C. and if it is found that she has admitted the relationship with the petitioner and has not supported the prosecution story, then in that case, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below 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 6th District and Additional Sessions Judge cum Exclusive Special Judge, POCSO Act, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 296 of 2023, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

7. The 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 Para-3 of the bail petition, this order will automatically lose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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