

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17526 of 2026

Arising Out of PS. Case No.-313 Year-2025 Thana- HILSA District- Nalanda

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Akash Kumar S/o- Awadhesh Prasad R/v- Bhurkur Ps- Hilsa Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX S/o- YYY R/v- Kawa Ps- Hilsa Dist- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Manoj Kumar, Advocate
For the Opposite Party/s :	Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 5 15-07-2026 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offence punishable under Section 140(3) of the Bharatiya Nyaya Sanhita to which Section 64(2) BNS and Sections 4, 6, 8 of the Protection of Children from Sexual Offences Act were added later on.
3. As per prosecution case, this petitioner kidnapped minor daughter of informant for the purpose of marriage.
4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. During investigation, victim was recovered and in her statement recorded under Section 183 BNSS, has denied the prosecution case and categorically stated



that she was in love with this petitioner and went along with him and on 26.05.2025, she solemnized marriage with the petitioner. Learned trial court has assessed the age of victim as 17 years. In this connection, learned counsel for the petitioner has placed reliance upon order of the Division Bench of this Hon'ble Court dated 23.09.2010 in **Cr.W.J.C. No. 991 of 2010 (*Sahebi Khatoon @ Sahebi Versus State of Bihar and other*)** wherein this Court has directed to treat a girl as major in case her age assessed to be between 16 to 17 years. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, statement of the victim recorded under Section 183 BNSS and clean antecedent of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged 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 Special Judge, POCSO, Hilsa, Nalanda in connection with Hilsa



P.S. Case No. 313 of 2025, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita.

(Prabhat Kumar Singh, J)

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