

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17896 of 2026

Arising Out of PS. Case No.-348 Year-2021 Thana- BATHNAHA District- Sitamarhi

Arvind Kumar son of Harinarayan Mahto Resident of village- Tilangi, PS-
Sonbarsa, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gautam Sharma Son of Sobodh Sharma Resident of village- Haribela, PS-
Bathnaha, Dist- Sitamarhi

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 18-06-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363 and
366(A)/34 of the Indian Penal Code as well as Section 8 of the
Prevention of Children from Sexual Offences (POCSO) Act.

3. Learned counsel for the petitioner submits that
from perusal of the office report dated 12.06.2026, it would
manifest that opposite party no. 2 personally received the notice
but then after receiving the notice, the opposite party no. 2
chooses not to appear and contest. It is further submitted that the
informant alleges that his minor sister was kidnapped by the
accused person including the petitioner.



4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that petitioner and the victim were in love and they eloped. It is next submitted that informant only with a view to give seriousness to the case falsely alleged that the victim is a minor when she is a major. It is also submitted that petitioner and the victim have performed their marriage and are living together and out of the wedlock, a child was born. It is, thus, submitted that this perhaps explains why the opposite party no. 2, despite receiving the notice, chooses not to appear and contest. It is further submitted that the petitioner and the opposite party no. 2 performed their marriage at Arya Samaj Sewa Trust (Regd.), 106, Rajindra Market, Tis Hazari Court, Delhi and in the said certificate of marriage, the victim has disclosed her age as 01.01.2005.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Bathnaha P.S. Case No. 348 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

(Satyavrat Verma, J)

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