

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30250 of 2026

Arising Out of PS. Case No.-411 Year-2023 Thana- BUXAR District- Buxar

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Dheeraj, male, aged about 22 years, Son of Vijay Kumar, Resident of House No. 294, Near CMK College, Sanjay Colony PS -Sirsa District -Sirsa Haryana

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX Wife of Dineshwar pathak Resident of village- Itadhiya, Ps- Dhansoi, Dist- Buxar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 27-07-2026 Heard Mr. Shashank Shekhar, learned counsel appearing on behalf of the petitioner and Mr. Dr. Ajeet Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Buxar Town P.S. Case No. 411 of 2023, registered for the offence punishable under Sections 363, 366A of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. As per the allegation made in the FIR, the petitioner had allegedly kidnapped the minor niece of the informant with an intention to solemnize marriage with her.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and he has falsely



been implicated in the present case. Learned counsel referring to the report submitted by Superintendent of Police, Buxar contained in Letter No. 1160 dated 13.06.2026 before this Court, informs that the date of birth of the victim, as per the school certificate, is 19.12.2005 and, as on date, the victim has become adult aged nearly about 21 years and they are living together happily after having solemnized marriage with each other, in the State of Haryana. Petitioner has also brought on record the order dated 29.12.2023 passed by the High Court of Punjab and Haryana at Chandigarh in Cr.W.P. No. 12610 of 2023 to inform that by granting interim protection, the petitioner and the victim were directed to approach the respondent no. 2 for filing representation if any threat to their life and liberty is perceived and by disposing the said writ petition, had also disposed of the pending miscellaneous application, if any, by the said order. Learned counsel submitted that now the petitioner and victim are adult and they are conscious of their right protected by Article 21 of the Constitution of India and no one has complaint against each other after they have solemnized marriage. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the FIR and the report submitted by Superintendent of Police, Buxar contained in Letter No. 1160 dated 13.06.2026 before this Court, by which it has been informed that the date of birth of the victim, as per the school certificate, is 19.12.2005 and, as on date, the victim has become adult aged nearly about 21 years and they are living together happily after having solemnized marriage with each other, in the State of Haryana. Petitioner has also brought on record the order dated 29.12.2023 passed by the High Court of Punjab and Haryana at Chandigarh in Cr.W.P. No. 12610 of 2023 to inform that by granting interim protection, the petitioner and the victim were directed to approach the respondent no. 2 for filing representation if any threat to their life and liberty is perceived and by disposing the said writ petition, had also disposed of the pending miscellaneous application, if any, by the said order. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or



surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Buxar Town P.S. Case No. 411 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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