

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29238 of 2026

Arising Out of PS. Case No.-17 Year-2026 Thana- Banma Itahari District- Saharsa

Vikram Kumar Chaudhary @ Bikram Chaudhary @ Ritesh Kumar Chaudhary
S/O Ramchandra Chaudhary R/O Lalpur, Ward no.- 05, P.S -Banma Itahari,
District - Saharsa

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. xxxx W/O yyyy R/O Lalpur, Ward no.- 04, P.S -Banma Itahari, District - Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
Mr. Dinesh Maharaj, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP
For the Informant : Mr. Amarnath Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 301-07-2026
1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner has preferred this application for grant of regular bail in connection with Banma Itahari P.S. Case no.17 of 2026 registered under sections 96, 137(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, the informant states that his 15 year old daughter was taken away by the accused persons including the petitioner herein.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. It is a case of love affair between the parties. The Doctor, in course of investigation, estimated her age to be between 14-17 years while in her statement under section 183 of the B.N.S.S, she states herself to be 15 years. Learned counsel further submits that the alleged victim has not supported the prosecution case in her statement under section 183 of the B.N.S.S. The petitioner is in custody since 27.1.2026 and has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the FIR but there is direct allegation against him that inspite of being a married person, he eloped with the admittedly minor daughter of the informant. The consent of a minor is of no value in the eyes of law.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the FIR, the contents of the statement of the victim recorded under section 183 of the B.N.S.S wherein she does not support the prosecution case, she states that she went with the petitioner out of her own volition and that no physical relations were established between the victim and the petitioner together



with the petitioner having remained in custody since 27.1.2026, chargesheet having been submitted in the case and the petitioner not having any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Banma Itahari P.S. Case no.17 of 2026 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 Additional Sessions Judge VI-cum-Special Judge (POCSO), Saharsa.

(Partha Sarthy, J)

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