

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36546 of 2026

Arising Out of PS. Case No.-452 Year-2025 Thana- SHERGHATI District- Gaya

Wakil Kumar @ Wakil Kumar S/o Mutur Mochi @ Mutur Ravidas @ Mutar Mochi R/o Village - Khapuri, P.S. - Dulhin Bazar, Dist. - Patna, Bihar, 801102.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XX S/o YY R/o Village - Cherki Bazar, P.S. - Sherghati, Dist. - Gayaji, Bihar, Pin - 824237.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anmol Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-07-2026 Heard learned Counsel for the petitioner, learned Counsel for the Informant and learned APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Sherghati P.S. Case No. 452 of 2025, lodged on 28/10/2025, under Sections 137(2), 96 of the Bhartiya Nyaya Sanhita, 2023, pending in the Court of learned ACJM-I, Sherghati. Subsequently, during investigation the offences under Sections 4, 6 and 8 of POCSO Act were added.

3. As per the prosecution, FIR has been lodged under



Sections 137(2)/96 of the Bhartiya Nyay Sanhita, 2023 with allegation that the daughter of the informant was all of a sudden at the night fled away and FIR has been lodged against unknown. The name of the petitioner has figured in this case during investigation.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that both the petitioner and victim were fell in love and due to this reason they leave the house with consent of each other. Subsequently, the victim has been recovered and she narrated the story before the police as well as before the Court under Sections 180 and 183 of the BNSS respectively. Counsel submits that it has been accepted that she has got married and made physical relation but admittedly her age was 16 years 6 months as per the certificate. Counsel submits that the petitioner's antecedent is clean and he is in custody since 30/10/2025. Counsel further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned Counsel for Informant vehemently opposes the prayer for bail and submits that the victim is minor whereas the petitioner is aged about 20 years and he is major. There is no meaning of his consent.



6. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that for the purpose of marriage the petitioner was also minor, as the petitioner being a male has not completed the age of 21 years.

7. Considering the period of custody that the petitioner is in custody since 30/10/2025, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of learned ACJM -I, Sherghati in connection with Sherghati. P.S. Case No. 452 of 2025 subject to the conditions as laid down U/s 480(3) of the BNSS, 2023.

(Dr. Anshuman, J)

Mkr./Anshuman/

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