

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36826 of 2026

Arising Out of PS. Case No.-276 Year-2025 Thana- BAISI District- Purnia

Arjun Thakur Son of Somai Thakur @ Soma Thakur Resident of Village-
Near Masjid Darha, P.S.- Dagaru, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Wife of Y Resident of Village- Hat Tola Gandhar, P.S.- Baisi, District-
Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-06-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Baisi P.S. Case No. 276 of 2026 registered for the offences punishable under Sections 140(3), 87, 127(1), 303(2), 3(5) of BNS and Section 8/12 of POCSO Act.

3. As per FIR petitioner alleged to kidnap the minor daughter of the informant aged about 13 years for the purpose of illicit intercourse / marriage with another person.

4. It is submitted by learned counsel appearing on behalf of the petitioner that during course of investigation,



after the recovery of minor daughter of the informant, her statement was recorded under Section 183 of the BNSS, where she completely negate the allegation of kidnapping and sexual assault against petitioner as alleged, rather, she stated that out of her own sweet will she left the parental home and solemnized marriage with petitioner and living as a wife. It is submitted that upon medical examination, the radiological age of the victim was ascertained between the age group of 17-18 years, and therefore, giving the marginal error benefit of ± 2 years in view of legal report of Hon'ble Supreme Court as available through ***Rajak Mohammad Vs. State of Himachal Pradesh*** reported in ***(2018) 9 SCC 248***, the victim daughter of informant is major on the date of occurrence, therefore, implication of petitioner under POCSO Act is also not convincing. It is pointed out that in support of date of birth no reliable documents was placed at the time of lodging of FIR. Petitioner claimed clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual and legal submission



and by taking note of fact as victim daughter of informant negate allegation of rape and sexual assault while recording her statement under Section 183 of BNSS, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ASJ 7th cum Spl. Judge (POCSO), Purnea /concerned Court, where the case is pending in connection with Baisi P.S. Case No. 276 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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