

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41961 of 2026

Arising Out of PS. Case No.-94 Year-2026 Thana- BARGAINIA District- Sitamarhi

Amrendra Kumar S/O Nagendra Mahto @ Nagendra Kumar Resident of
Village- Bel, Ward No.10, (Jodiyahi), P.S.- Bairgania, Dist- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX S/O YYY R/O Village- Belganj (Jodiyahi), P.s.- Bairgania, Dist.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Bairgania P.S. Case No.94/2026 registered for the offences punishable under Sections 64 and 69 of the BNS Act and Section 4 of the POCSO Act.

3. As per FIR, petitioner alleged to establish physical relationship with minor daughter of informant aged about 17 years on false pretext of marriage.

4. It is submitted by learned counsel appearing on behalf of the petitioner that admittedly the minor daughter of informant was in love with petitioner and solemnized marriage and joined her matrimonial home, but as she was ousted, present false case was lodged taking shelter of POCSO Act and other



heinous offence like rape in BNS. It is also submitted that aforesaid marriage was also approved by the informant, who is none but the father of the victim and under his approval only victim joined her matrimonial home with petitioner. Petitioner claimed clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that victim categorically stated while recording her statement under Section 183 of the BNSS that this petitioner committed rape upon her and also establish physical relationship on false pretext of marriage. It is also submitted that victim upon medical examination found 17 years old.

6. In view of aforesaid factual submission and by taking note of fact as victim, who was minor at the time of occurrence specifically alleged against this petitioner to commit rape upon her while recording her statement under Section 183 of the BNSS, accordingly prayer of anticipatory bail of petitioner stands rejected.

(Chandra Shekhar Jha, J)

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