

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45534 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- DESARI District- Vaishali

Sunder Paswan @ Sunder Kumar Son of Ganour Paswan R/O Village -
Panapur, Raghunath, P.S.- Deshri, District - Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi W/o Birendra Paswan Village Panapur Raghunath P S Deshri
DIst Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Kumar, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Arvind Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 21-01-2026 Heard Mr. Manish Kumar, learned counsel appearing
on behalf of the petitioner; Mr. Binod Kumar, learned APP for
the State and Mr. Arvind Kumar Sinha, learned counsel for the
Informant/O.P. No.2.

2. The petitioner seeks pre-arrest bail in connection
with Deshri P.S. Case No. 51/2025 registered for the offence(s)
punishable under Sections 137 and 96 of the BNS.

3. As per the allegation made in the FIR, on
04.02.2025 the informant (Kiran Devi) found that her minor
daughter aged about 16 years was missing from the house and
cash of ₹ 20,000/- gold and silver ornaments were also found to
be stolen. It has been alleged that prior to the said occurrence,



petitioner (Sundar Paswan) used to call the informant and had threatened to kidnap her daughter, and despite complaints to his family, the matter was not resolved. Thereafter the victim was recovered by the police and her age was verified on the basis of her matriculation registration card, which revealed that she was a minor, aged about 16 years and 11 months. The victim in her statements recorded under Sections 180 and 183 of the BNSS has stated that she has married with the petitioner on 04.02.2025.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner the petitioner is innocent and he has falsely been implicated in the present case. The petitioner and the minor victim girl (informant's daughter) was in love relationship and the petitioner wanted to marry with the victim girl. The petitioner has just emerged as an adult being aged about 22 years and the victim is aged about 16 years and 11 months and at this stage, natural attraction for the opposite sex cannot be denied coupled with the several psychological and physiological change person undergo. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of



Informant/O.P. No.2 vehemently opposed the prayer for grant of pre-arrest bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, the nature of allegation made in the FIR and the fact that the petitioner, who is 22 years old, has just emerged as an adult, going through psychological, physiological, as well as, biological changes and infatuation and attraction for the opposite sex is natural and he may be unaware of the rigors of his wrong doing and also the fact that the victim in her statement recorded under Section 183 of the BNSS has stated that she has married with the petitioner on 04.02.2025 and consideration in this regard can be made in light of the law laid down by the Madras High Court in the case of ***Vijayalakshmi & Anr. vs. State Rep. by the Inspector of Police & Anr.*** reported in ***(2021) SCC OnLine Mad 317***, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending



in connection with Deshri P.S. Case No. 51/2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C./482 of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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