IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50010 of 2026

CNR No. BRHC010638112026

Arising Out of PS. Case No.-127 Year-2024 Thana- UJIYARPUR District- Samastipur

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Rupesh Kumar @ Kari Paswan son of Chhotelal Paswan @ Chote Lal paswan Resident of village- Gram Hasauli, PS- Ujiyarpur, Samastipur, Bihar

... ... Petitioner/s

Versus

1. The State of Bihar
2. XYZ (Rinku Devi) Wife of Bindu Paswan Resident of village- Gram Hasauli, PS- Ujiyarpur, Samastipur, Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Keshav Bhardwaj, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP
For the O.P. No.2 : Mr. Raja Ram Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

4 20-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for the Opposite Party No.2.

2. This application for anticipatory bail arises out of Ujiyarpur P.S. Case No. 127 of 2024 for the offences punishable under Sections 366(A), 376, 365, 364, 379 and 380 of the Indian Penal Code and Section 4, 6, 8 and 12 of the POCSO Act.

3. As per the prosecution case, the minor daughter of the informant, who was studying in class-Xth, was kidnapped by this petitioner and other co-accused persons, though hectic

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search was made, but no trace was found.

4. Learned counsel for the petitioner has submitted that there is delay of about two months in lodging the present F.I.R. Referring to the statement of the victim recorded under Section 183 B.N.S.S., which was earlier called for by order dated 01.10.2026, learned counsel for the petitioner has submitted that the victim has categorically stated therein that she, on 09.04.2024, willfully eloped with the petitioner and got married, whereafter, her mother became angry and lodged the present case, while she, in specific terms, has stated that none had kidnapped her and she joined the company of the petitioner on her own sweet will. It has further been submitted that the victim was aged more than 17 years on the date of alleged occurrence, and thus, she was not of such a tender age so as to not understand the consequences of her action. It has further been submitted that there is no element of accusation of ‘enticing away’ or ‘taking away’ against the petitioner. It has further been submitted that out of the wedlock, a child has also born. It has lastly been submitted that the petitioner has got no criminal antecedent.

5. Learned counsel for the State as well as learned counsel for the Opposite Party No.2 has vehemently opposed

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the prayer of anticipatory bail of the petitioner. Learned counsel for the Opposite Party No.2 has further submitted that the victim was admittedly minor on the date of alleged occurrence and her consent had got no value in the eye of law and the petitioner does not deserve anticipatory bail.

6. Heard the parties and perused the record.

7. Considering the facts and circumstances, delayed lodging of the F.I.R. as also the statement of the victim recorded under Section 183 B.N.S.S., let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-VI-cum-Special Judge POCSO, in connection with Ujiyarpur P.S. Case No. 127 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with the condition that one of the bailors should be a close family member of the petitioner.

(Praveen Kumar, J)

Abdus/-

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