

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45696 of 2025

Arising Out of PS. Case No.-64 Year-2024 Thana- MAHUAWA District- East Champaran

Vedbyas Kumar, Male, aged about 21 yrs., S/O Anutha Yadav, R/O Village-
Katakenwa, P.S- Mahuawa, Dist.- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Bipin Yadav S/O Ramdayal Yadav R/O Katakenwa, P.S- Mahuawa, Distt.-
East Champaran, Motihari.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 21-01-2026 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mahuawa P.S. Case No. 64/2024 registered for the offence
punishable under Sections 96, 352/3(5) of the BNS and Section
8 of POCSO Act.

3. As per the allegation made in the FIR, petitioner
had kidnapped the minor daughter of the informant with an
intention to marry with her.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has
falsely been implicated in the case. As per the impugned order,



the victim in her statement recorded under Section 183 BNSS has stated that she has solemnized marriage with the petitioner out of her own will. Learned counsel further submits that the petitioner has just emerged as an adult being aged about 21 years and the victim is aged about 14 years and at this stage, natural attraction for the opposite sex cannot be denied coupled with the several psychological and physiological change person undergo. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the rival submissions made on behalf of the parties, as well as, the nature of allegation made in the FIR and the petitioner, who is 21 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. 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,. Learned District Court is directed to verify the statement of the



victim recorded under Section 183 of the BNSS **and if it is found that she has admitted the relationship with the petitioner and has not supported the prosecution story, then in that case, the petitioner is directed to be released on pre-arrest bail**, in the event of his arrest or surrender before the Court below 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 7th District and Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran in connection with Mahuawa P.S. Case No. 64/2024, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

7. The 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 Para-3 of the bail petition, this order will automatically lose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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