

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48643 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- KISHANPUR District- Supaul

Rahul Kumar Sah, S/o Brahamanand Sah, R/o Village- Kanchanpur Kachra,
Ward no. 12, P.S.- Saurbazar, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Archana Kumari D/O Shasikant Rai R/O Vill.- Kalimungra, Ward no. 4,
P.S.- Kishunpur, Dist.- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 21-01-2026 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kishanpur P.S. Case No.01 of 2025 (corresponding to POCSO Case No.02/2025) registered for the offences punishable under Section 96 of the BNS and Section 4 of the POCSO Act.

3. Accusation against the petitioner is of forcefully kidnapping the daughter of the informant with the help of other accused persons, who were variously armed and also obtained signature from the informant on a blank paper.

4. Learned Advocate for the petitioner submitted that



the alleged occurrence took place on 24.12.2024, but the present FIR came to be instituted on 01.01.2025. In fact, the petitioner and the victim girl had been in a relationship, which finally resulted into solemnization of marriage, but since the informant who happens to be father of the victim was not happy with the relationship, the present FIR came to be instituted after making a concocted story of forceful kidnapping. The entire prosecution case falls to the ground on bare perusal of the statement of the victim, who has categorically stated that she was in good relationship with the petitioner and voluntarily left her house and solemnized marriage. She also stated that she wants to live in her matrimonial home with the petitioner and does not want to go to her parental home. The age of the victim has been assessed to be 17 years 11 months and 19 days on the date of alleged occurrence and, as such, the benefit must be given in favour of the accused. Even if the allegation is taken to be true, no penal provision of the Protection of Children from Sexual Offences Act would apply, is the contention of the learned Advocate for the petitioner. The petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that on the alleged date of occurrence, the victim was minor and there is



specific accusation of kidnapping against the petitioner.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the statement of the victim recorded under Section 183 of the BNSS, wherein she has categorically stated that she voluntarily left her home and solemnized marriage, besides she disclosed her age to be 18 years as also the delay in lodging of the FIR and the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned 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 District & Additional Sessions Judge-cum-Special Judge, POCSO Act, at Supaul, District-Supaul in connection with Kishanpur P.S. Case No.01 of 2025 (corresponding to POCSO Case No.02/2025), subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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