IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52608 of 2026

CNR No. BRHC010747802026

Arising Out of PS. Case No.-1 Year-2026 Thana- Tetiyabumber District- Munger

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Sunil Kumar S/o Late Sonelal Yadav R/o Chotki Kharui, P.S. - Tetiya Bamber, Distt. - Munger.

... ... Petitioner/s

Versus

1. The State of Bihar
2. M/s X S/o Mr Y R/o Chotki Kharui, P.S. - Tetiya Bamber, Dist. - Munger.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
: Mr. Diwakar Sinha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

4 29-10-2026 This matter has been listed under the heading "For Orders of Office Notes".

2. Heard Mr. Pankaj Kumar Sinha, learned counsel appearing for the petitioner and learned A.P.P for the State.

3. Petitioner apprehends arrest in a case registered for the offence punishable under sections 96 of BNS and later on added sections 64 of BNS, 4 of POCSO Act.

4. The prosecution case in brief is that, on 25.12.2025, informant's minor daughter namely Sangita Kumari, aged about 17 years was not at home. Informant suspects that FIR named accused persons including this petitioner kidnapped his minor daughter.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. During investigation, the victim was recovered and her statement was recorded under section 183 BNSS wherein, she denied the *factum* of kidnapping and clearly stated that the she out of her own violation, went with this petitioner and had performed marriage with him in a temple in Khagaria. Court had assessed the age of the victim as 16 years. Learned counsel for the petitioner, relying on an order of the Division Bench of this Court dated 23.09.2010 in *Cr.W.J.C. No. 991 of 2010* (*Sahebi Khatoon @ Sahebi Versus State of Bihar and othe*r), submits that this Court has directed *to treat a girl as major in case her age assessed to be between 16 to 17 years*.

6. Considering the nature of accusation and statement of victim recorded under section 183 BNSS, prayer for bail of this petitioner is allowed. In the event of arrest/surrender within eight weeks from today, let this petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Judge (POCSO Act) cum Additional Sessions Judge-VI, Munger in connection with Tetiya Bamber P.S. Case No. 01 of 2026, subject to the

conditions laid down under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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