

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58985 of 2025

Arising Out of PS. Case No.-562 Year-2024 Thana- SURSAND District- Sitamarhi

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Md. Ashik @ Md. Ashik Ansari S/oMd. Nijam @ Md. Najim R/o Village-
Sursand East, Ward No. 04, Nagar Panchayat Ward No. 03, P.S.- Sursand,
District- Sitamarhi

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mahesh Prasad S/o Late Apat Prasad R/o Village- Sursand, Nagar Panchayat
ward no. 3, P.S.- Sursand, District- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP
For the Informant : Mr. Ajay Kumar Verma, Advocate
Mr. Chitransh Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 401-05-2026
1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 137(2), 96,
61(2)(a), 352, 351(2) and 3(5) of the BNS, 2023.



3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and was in love with the victim, they eloped and they performed their marriage. It is also submitted that victim is a major and as per her matriculation certificate annexed at Page-23 of the anticipatory bail application. It is also submitted that the statement of the victim was recorded under Section 183 BNSS wherein she has not supported the case of the prosecution, rather has stated that she had accompanied the petitioner to Hyderabad where they performed their marriage, it is also submitted that as per matriculation certificate, the date of birth of the victim is 07.11.2006. It is next submitted that a counter affidavit has been filed on behalf of the informant, but then the counter affidavit does not dispute the matriculation certificate, on which the learned counsel appearing on behalf of the informant submits that from perusal of Annexure- R/1 to the counter affidavit, it would manifest that the same is a letter issued by SDP Sr. Secondary School, Hazuri Road, Ludhiyana wherein it is recorded that-

“Subject- Regarding Date of Birth of Ms. Sonali D/o Sh. Mahesh Parsad,

Sir- In the above reference and subject received through E-mail this is to submit that Ms. Sonali D/o Sh. Mahesh Parsad got admitted in this school on 04.04.2018 in sixth standard bearing



admission no. 7593 and Date of Birth as per Admission Withdrawal Register record is 07.11.2008.

She got admitted in 9th standard on 01.07.2021 by producing an updated Aadhaar Card having Date of Birth 07.11.2006,

As per 9th class admission withdrawal register record her DOB is 07.11.2006 and Admission No. is 9238.”

4. It is thus, submitted by the learned counsel appearing on behalf of the informant that initially when the victim was admitted in the school, her date of birth was recorded as 07.11.2008, but subsequently it appears that when she was admitted in 9th standard, she got her Aadhaar Card updated and thereafter her date of birth was recorded as 07.11.2006, on which the learned counsel appearing on behalf of the petitioner submits that such dispute cannot be adjudicated in the present proceeding, when matriculation certificate records the date of birth of the victim as 07.11.2006

5. After hearing the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sursand P.S. Case



No. 562 of 2024 subject to the conditions as laid down under
Section 482 (2) of BNSS.

**6. Accordingly, the instant anticipatory bail
application stands allowed.**

(Satyavrat Verma, J)

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