IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63925 of 2026

CNR No. BRHC010908492026

Arising Out of PS. Case No.-71 Year-2026 Thana- Madhusudanpur District- Bhagalpur

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Bambam Kumar, S/O Shyamal Kumar @ Uday Yadav, R/V- Adarshnagar Fulkia, P.S.- Ghogha, District- Bhagalpur, Pin-813205

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX, W/O YYY, R/V- Maniyarpur, P.S.- Madhusudanpur, District- Bhagalpur

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Gaurav Prakash, Advocate
For the Opposite Party/s : Mrs.Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 29-10-2026 Heard learned counsel for the petitioner and learned APP for the State. However, there is no representation on behalf of the opposite party no.2 despite valid service of notice.

2. In the present case, the petitioner seeks bail in connection with Madhusudanpur P.S. Case No. 71 of 2026, registered for the offence under Sections 96/3(5) of BNS.

3. As per the prosecution case, the petitioner enticed away the minor daughter of the informant and solemnized marriage with her with the help of other co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The victim girl recorded her

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statement under Sections 180 and 183 of BNSS wherein she stated that she left her house on her own and eloped with the petitioner and solemnized marriage with him. The victim girl refused to undergo any medical examination. Learned counsel further submits that no doubt, the victim is stated to be a minor, but she claimed her age to be 18 years while recording her statement under Section 183 of BNSS. The petitioner did not force or coerce her into solemnizing the marriage as is apparent from her statement. The petitioner, who is aged about 21 years, is in custody since 04.04.2026 and is having clean antecedent. Charge sheet has been submitted.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the age of the victim girl was assessed by the medical board to 14-16 years only and the victim girl was not in a position to give any consent or understand the consequences.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the voluntary nature of act of the victim and further considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/-

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(Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of POCSO-cum-Additional Sessions Judge-VI, Bhagalpur/concerned court, in connection with Madhusudanpur P.S. Case No. 71 of 2026, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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