

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66767 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- BATH District- Bhagalpur

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Raja Kumar S/O Golu Mandal R/O Vill.- Deshawar, P.S.- Karhariya, P.S.-
Bath, Dist.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Indu Kumari W/O Pankaj Kumar R/O Vill. and P.O. and P.S.- Bath, Dist.-
Bhagalpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Pragya Kiran, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 11-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 96 and 3 (5) of B.N.S and
Sections 4 and 6 of POCSO Act 2012.

3. As per the prosecution case, informant's daughter was
abducted by the petitioner with an intention of marrying her.

4. Learned counsel for the petitioner submits that the
present case has arisen out of a love relationship between the
petitioner and the victim and no offence of kidnapping is made out
against the petitioner as the victim had gone along with the petitioner
at her own volition and at the time of occurrence she was also on the
verge of majority. This fact would be evident from her statement



recorded before the learned Magistrate under Section 183 of B.N.S.S wherein she has disclosed her age as seventeen years and ten months and has accepted that while she had come to give her statement along with mother, she was giving the same without any fear or coercion. She has made a categorical statement that no wrong was committed with her and she had eloped with the petitioner ,Raja Kumar, on 25.12.2024 and also solemnized marriage with him and stayed at his relatives' place from where she also went to other places. Finally, in her statement, she has also stated that the petitioner and victim were staying as husband and wife and she had gone to the police station also by her own will. Further, the petitioner is in custody since 17.04.2025 and charge sheet has already been submitted. Petitioner bears no criminal antecedent.

5. Learned APP for the State and learned counsel for the Opposite Party No.2, however, oppose the bail petition on the ground that the girl had not attained the age of eighteen years and as such the provision of POCSO Act will be made out.

6. Taking into consideration the facts and circumstances of the case and also considering that by an earlier order informant was directed to appear in person and it was accepted that the victim was married to the petitioner and before giving the statement under Section 183 of B.N.S.S, she did not have a talk with any one, as such, there is no question of threat and coercion, coupled with the fact that there was a love relationship between the petitioner and the victim,



the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bath P.S. Case No. of 05 of 2025 corresponding to POCSO Case No. 142 of 2025.

(Soni Shrivastava, J)

vashudha/-

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