

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69684 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- Mathurapur District- Samastipur

Monu Kumar S/O Dev Narayan Rai Resident of Village- Begampur, Ward
No. 09, P.S.- Mathurapur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mukesh Kumar Thakur
For the State	:	Mr. Ram Priya Sharan Singh
For the Informant	:	Mr. Ranjan Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case
registered under Sections 96, 137(2), 351(2), 3(5) of the BNS.

3. The allegation in the first information report is that
the daughter of the informant aged about 17 years had left her
house but did not come back and after search, it was gathered
that one Monu Kumar (petitioner) had allured the victim and
had eloped with her. The family members of Monu Kumar were
made accused.

4. Learned counsel for the petitioner submits, at the
outset, that the first information report was lodged after a delay
of two days inasmuch as while the occurrence took place on
31.05.2025 the FIR was lodged on 02.06.2025 with no



explanation being tendered in this regard. As a matter of fact, the petitioner and the informant's daughter were in a love relationship and the petitioner was an adult although she has been alleged to be 17 years as per the FIR itself but from the medical report, it would appear that her age was assessed to be between 17 ½ to 18 years. It was thus a consensual relationship between two adults and the victim had gone along with the petitioner out of her free will. It has also been pointed out that after her recovery her statement was first recorded under Section 180 of the BNSS in paragraph-27 of the case diary where in she has not made any allegation against the present petitioner and has rather stated that she had left her house alone and had returned upon knowledge of the present case lodged by her mother. She however, changed her statement under Section 180 of the BNSS, being in presence of her mother, by stating that the petitioner had taken her away forcefully on the pretext of marriage and after having stayed with her for 6 to 7 days and establishing physical relationship, she was brought back to Mathurapur P.S. It would also appear that she was subjected to medical examination on the next date of her recovery and the medical opinion shows that there were no signs of sexual assault. The learned counsel for the petitioner has referred to the



case of **Anas Vs. State of NCT of Delhi & Anr** in Cr. Appeal No. 7576 of 2025.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that since the thrust of allegation is against the petitioner, he does not deserve to be released on anticipatory bail.

6. Taking into consideration the facts and circumstances and also considering that the victim was either a major or reaching the age of majority and it was her conscious choice of going with the petitioner and there is no material to reflect that she made any attempt to raise any resistance, coupled with the consideration of statements of independent witnesses recorded in paragraph-110 and 111 of the case diary that the petitioner and the victim were in love relationship with each other, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Mathurapur P.S. Case no.55 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending subject to the



condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023, subject to the condition:

(i) One of the bailors will be a family member/close relative.

7. However, it is directed that the petitioner shall extend complete cooperation in the investigation and would not misuse the liberty in order to influence the witness or tamper with any evidence on record.

(Soni Shrivastava, J)

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