

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74139 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- MAHILA P.S. District- Nawada

Sumit Kumar S/O Dinesh Prasad Vishwakarma R/o Vill.- Govindpur Dih,
P.S.- Govindpur, Dist.- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rachna Kumari D/O Vinod Chaudhary R/o - Govindpur, P.O. and P.S.-
Govindpur, Dist.- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mohit Raj, Adv. Mr. Ankit Kumar, Adv.
For the Opposite Party/s	:	Mr.Sadanand Paswan, APP
For the OP No.2	:	Mr. Arvind Kr. Sinha, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. A prayer for bail has been made on behalf of the petitioner in connection with Mahila P.S. Case no.13 of 2025 registered under sections 65(1), 115(2), 351(3) and 3(5) of B.N.S, 2023 and Section 4 and 6 of POCSO Act.

3. Allegation in the F.I.R is that petitioner eloped with the victim girl and established physical relations with her on the pretext of marriage.

4. Learned counsel for the petitioner submits that the present case arises out of a consensual love relationship between two individuals. It is contended that, at the very least, the



informant/victim, as per her own assertion, is aged about 17 years and 10 months, being on the verge of attaining majority, and therefore possessed sufficient maturity and rationality to make her own decisions. It is further submitted that a perusal of the allegations made in the F.I.R. would indicate that the informant/victim had voluntarily accompanied the petitioner to Bangalore, where physical relations were established between them. Thereafter, upon returning to her native village, it is alleged that the petitioner again established physical relations with her. It is further submitted that the petitioner and the victim resided together for approximately 52 days, during which period no complaint was lodged by her family members, which, according to the petitioner, indicates that the victim had willingly accompanied and stayed with him. Further, the victim has also refused to undergo medical examination and the petitioner is in custody since 29.05.2025 and undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the opposite party no.2 on the ground that the petitioner established physical relations with the victim on the pretext of marriage.

6. Taking into consideration the rival contentions of



the parties and also considering the fact that the informant/victim is either a major or at the verge of majority and it is her conscious and informed choice to be in a relationship which seems to have materialized, coupled with the fact that petitioner is in custody since 29.05.2025 and has no criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Mahila P.S. Case no.13 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 concerned where the case is pending/successor Court. However, it is made clear that petitioner would appear before the Court concerned on the date fixed for framing of charge and the learned trial Court is directed to expedite the trial without giving unnecessary adjournment.

(Soni Shrivastava, J)

Harsh/-

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