

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73444 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- KASMA District- Aurangabad

Md. Abu Talib @ Abu Talib @ Raju @ Abutalib son of Md. Imteyaz Resident
of Village- Khaira Firoz, Police Station- Kasma, District -Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nasima Khatoon wife of Md. Shaukat Ansari Resident of Village- Khaira Firoz, Ps- Kasma, Dist- Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Aryan Singh, Advocate
For the State	:	Mr.Ram Bilash Roy Raman, APP
For the Informant/O.P. No. 2:		Mrs. Rupa Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel appearing on behalf
of the informant/opposite party no. 2.

02. In the present case, the petitioner seeks bail in
connection with POCSO G.R. No. 60 of 2025, arising out of
Kasma P.S. Case No. 61 of 2025 registered for the alleged
offences under Sections 96 and 140(3) of B.N.S.

03. As per prosecution case, the minor daughter of the
informant was enticed away by the petitioner with intention of
marrying her.

04. Learned counsel for the petitioner submits that the
daughter of the informant has returned and her statement under



Section 183 B.N.S.S. has been recorded, wherein she stated that she has been knowing the petitioner for last four years and for solemnizing the marriage, she called the petitioner and they went away to Vishakhapatnam and returned after call from their family members, who assured them to solemnize their marriage. Learned counsel further submits that this statement goes on to show it was the daughter of the informant, who called out the petitioner and both of them are in love and they eloped from their house. The victim girl refused to undergo any medical examination. The petitioner is a boy aged about 20 years and bears no criminal antecedent. The petitioner is in custody since 16.05.2025 and charge sheet has been submitted.

05. Learned APP as well as learned counsel appearing on behalf of the informant/opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the daughter of the informant is minor aged about 16 years and she is not in a position to understand the consequence.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of the act of the victim girl aged 16-17 years, at which a girl develops sufficient majority and further considering



the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Aurangabad/concerned Court in connection with POCSO G.R. Case No. 60 of 2025, arising out of Kasma P.S. Case No. 61 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the 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.
- (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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