IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74836 of 2026

CNR No. BRHC011050032026

Arising Out of PS. Case No.-773 Year-2024 Thana- GAYA MUFASIL District- Gaya

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Nitish Kumar @ Nitish Kamat S/o- Ganesh Kamat @ Ganesha Kamat R/v- Tinbara (Sirnuwara) PS- Arer Dist- Madhubani

... ... Petitioner/s

Versus

1. The State of Bihar
2. Raghvendra Kumar S/o- Sambhu Giri R/v- Jamheta PS- Fatehepur Dist- Gaya

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vinod Kumar, Adv.
For the Opposite Party/s : Mr. Rajendra Singh Shastri, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-11-2026 Heard the learned Advocate for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 773 of 2024, registered for the offences punishable under Sections 87 and 3(2) of the B.N.S.

3. The allegation against the petitioner is that he enticed away the minor daughter of the informant for the purpose of marriage.

4. Learned Advocate for the petitioner submitted that, with regard to an occurrence which took place on 05.09.2024, the present FIR came to be instituted on 10.09.2024, after a lapse of five days. Moreover, the entire prosecution case falls to

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the ground for the simple reason that, in her statement recorded under Section 183 of the BNSS, the victim has categorically stated that she voluntarily left her house and subsequently solemnized marriage with the petitioner, and she has shown her willingness to reside with the petitioner. Learned Advocate further argued that, with respect to an identical allegation, a similar FIR was also instituted by the maternal uncle of the victim, bearing Pariya P.S. Case No. 225 of 2024, wherein the petitioner has been extended the privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Criminal Miscellaneous No. 15442 of 2026, vide order dated 21.09.2026. It is lastly argued that, be that as it may, the victim girl was medically examined and her age was assessed to be between 18 and 19 years.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that, from the certificate issued by the school concerned, it appears that the victim is a minor girl, and as such, her consent has no meaning in the eyes of law.

6. Having considered the rival submissions advanced by learned Advocate for the respective parties, and taking note of the statement of the victim, which has been explicitly

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deliberated upon in the impugned order, besides the fact that, in a similar matter involving a similar accusation, the petitioner has been extended the privilege of anticipatory bail, as also the fact that, during the medical examination, the victim girl was declared to be a major, and the petitioner bears fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 773 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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