

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73878 of 2025

Arising Out of PS. Case No.-99 Year-2025 Thana- HATHAURI District- Muzaffarpur

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Ram Sanjivan Sahni @ Ram Sajiwan Sahani S/O Chulahi Sahni R/O Village-
Dakrama, P.S- Hathauri, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX D/O YYY R/O Village- Dakrama, P.S- Hathauri, Dist.- Muzaffarpur.
- Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vaidehi Raman Prasad Singh, Advocate Mr. Ashutosh Ranjan, Advocate
For the Informant	:	Mr. Raju Kumar, Advocate Mr. Shubham Samrat, Advocate
For the Opposite Party/s	:	Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

421-01-2026

Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Hathauri P.S. Case No. 99 of 2025 registered for the alleged offences under Section 64(1) of Bharatiya Nyaya Sanhita, 2023 and Section 4 and 8 of the POCSO Act.

03. As per prosecution case, giving allurement of marriage, the petitioner enticed the minor informant to establish sexual relationship with her. Thereafter, he took her away to he house of his sister from where the minor informant was brought back by the villagers.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.



From the contents of the FIR, it is apparent that it was a case of consensual relationship. The minor informant was in love with the petitioner and despite having knowledge about petitioner already being married, she wanted to marry with the petitioner. The informant has refused to undergo medical examination and in the first information report, she disclosed her age to be 17 years. School leaving certificate was obtained on 23.06.2025 after lodging of the FIR and no reliance could be placed from such certificate for assessing the age of the victim. Learned counsel further submits that even during investigation, the witnesses stated that the petitioner and the informant were in love and they were ready to marry. Learned counsel further submits that when the marriage could not be solemnized, this false case has been lodged. The petitioner is in custody since 22.06.2025 and charge-sheet has been submitted. The petitioner is having antecedent of one case under Section 498A of IPC.

05. Learned APP for the State as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the statement of the victim girl was recorded under Section 183 of BNSS wherein she has stated that the petitioner forcibly established sexual relationship with the informant.



06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation and the age of the informant at which a girl develops sufficient maturity and also considering the period of custody of the petitioner along with 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 Exclusive Special Court, POCSO Act-III, Muzaffarpur/court concerned in connection with Hathauri P.S. Case No. 99 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and 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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