IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76808 of 2026

CNR No. BRHC011103522026

Arising Out of PS. Case No.-41 Year-2026 Thana- Hemjapur District- Munger

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Bhim Roy @ Bhim Panna Lal Roy Son of Panna Lal Roy R/O Village- Shivkund, P.S- Hemjapur, Dist.- Munger.

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX W/O YYY R/O Village- Shivkund, P.S.- Hemjhapur, Distt.- Munger.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manendra Kumar Sinha, Advocate
For the State : Mr. Ajay Kumar No. 2, APP
For the Informant : Mr. Navneet Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with Hemjapur P.S. Case No. 41 of 2026, lodged on 03.07.2026, under Section 64 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4 and 6 of POCSO Act.

3. As per the prosecution, the petitioner solemnized marriage with the victim who was a minor and subsequently developed physical relationship with her, as a result of which, she got pregnant and was admitted to a government hospital for delivery, leading to registration of the present FIR.

4. Learned counsel for the petitioner submits that

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the petitioner is innocent and has committed no offence. He further submits that the case has been lodged under Section 64 and Sections 4/6 of the POCSO Act. He further submits that from the contents of the FIR, it becomes crystal clear that the informant is a police official, and the alleged victim has not filed the criminal case. Counsel further submits that this case has been filed due to the wrong mentioning of the date in the Aadhar card, as observed by the police. Counsel for the petitioner argues that no offence under the BNSS or the POCSO Act is attracted; at worst, it is a case relating to the violation of the Child Marriage Act. Counsel further submits that the antecedent of the petitioner is clean, and he has been in custody since 27.08.2026.

5. Learned counsel for the informant is present *suo moto* and submits that informant's year of birth is 2006 and not 2008. Due to a wrong entry in the Aadhar card made by her maternal uncle, she has been shown as a minor, whereas she is actually a major.

6. Learned counsel for the State opposes the prayer for bail but fairly submits that a violation of the Child Marriage Act is there.

7. In the present facts and circumstances of this

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case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of learned Exclusive Special Judge (POCSO Act)-cum-District and Additional Sessions Judge-VI, Munger, in connection with Hemjapur P.S. Case No. 41 of 2026, subject to the conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

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