

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75823 of 2025

Arising Out of PS. Case No.-506 Year-2025 Thana- SONEPUR District- Saran

Nitesh Kumar @ Niteesh Kumar S/o- Mantun Gosvami @ Mantun
Goshwami @ Mantan Goshwami R/v- W.No-7, Lagma Ps- Chautham Dist-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amitabh Sohan, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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.

02. In the present case, the petitioner seeks bail in connection with Sonepur P.S. Case No. 506 of 2025 registered for the alleged offences under Section 96 of Bharatiya Nyaya Sanhita, 2023 and later on added Section 9 of the Prohibition of Child Marriage Act, 2006.

03. As per prosecution case, the minor daughter of the informant went missing in the night and on inquiry, the informant came to know about a boy who was in regular touch with his daughter and the petitioner is stated to be the said boy.

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



The victim girl was traced and her statement was recorded under Section 180 BNSS and she clearly stated that she had gone with the petitioner of her own free will. She further stated that she had developed affection towards the petitioner and voluntarily left her parental home. Same sort of statement was given by her in her statement recorded under Section 183 BNSS wherein she stated that she left her house and called the petitioner who she knew for a year. Both of them went to Muzaffarpur Station and from there to Kolkata where they stayed in a hotel. She also stated that she solemnized marriage with the petitioner in Muzaffarpur. On coming to know about the case lodged by her father, the victim and the petitioner appeared before the Chautham police station on 16.06.2025. Learned counsel further submits that the victim girl was medically examined and her age was assessed to be 15 to 17 years and no evidence was found of any recent physical intercourse and it rules out any allegation of sexual assault or physical exploitation. The petitioner is in custody since 18.06.2025 and charge-sheet has been submitted. The petitioner is having clean antecedent.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the consent of minor is of no consequence.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the period of custody of the petitioner and his clean antecedent 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 Additional Sessions Judge-14th, Saran at Chapra/court concerned in connection with Session Trial No. 979 of 2025 arising out of Sonepur P.S. Case No. 506 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)

Ashish/-

U		T	
---	--	---	--

