

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80271 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- ANGARGHAT District- Samastipur

Pappu Kumar @ Pappu Mahto S/O Pradeep Mahto Resident of Village-
Jitwarpur Tole Farpura, Police Station-Samastipur (Muffasil) District-
Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saroj Paswan S/O Kapleshwar Paswan @ Kappu Paswan R/O Vill.- Supaul
Ward no. 7, P.S.- Angarghat, Dist.- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the State : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 21-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Angarghat P.S. Case No. 06 of 2025 dated 18.01.2025,
registered for the offences punishable under Sections 137(2) and
96 of B.N.S., 2023.

3. As per the FIR, lodged by the father of the victim
girl, the sole accused-petitioner used to visit his house and he
got acquainted with his daughter and he gave one mobile to her
daughter for talking. When the informant came to know about
the mobile, he scolded her daughter and thereafter, he prohibited



the entry of the petitioner in his house. On 17.01.2025 at 04 : 00 PM, the victim girl who was 16 years and 5 months old went to a shop for purchasing some items, but she could not return her home. Despite efforts to search her, the informant could not trace his daughter and he suspected that the petitioner has enticed his daughter away with ill intention.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, the alleged victim is a major and both love each other and without any inducement on part of the petitioner, she came to him and solemnized the marriage. However, when they were standing on a bus stand to take a bus to go Samastipur, the police apprehended them and at the of time of custody, the girl was having *sindur* on her head and her palm and fingers were coloured with red. He further submits that on account of pressure from the family members of the alleged victim, she has supported the prosecution case. However, the petitioner still recognizes the victim as legally married wife and he has committed no offence. He further submits that as per the allegation made in the FIR, there is consensual relationship with the alleged victim and the petitioner and she is already major,



because as per the medical test, her age has been assessed to be below 18 years, whereas there is always possibility of error of margin of age up to two years and if the margin of error of age is added to 18 years, it will come to 20 years.

5. He further submits that the petitioner has been languishing in jail since 28.01.2025.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that this is one of the heinous crimes and the alleged victim has not supported the defense version in the statement as made by her in her statement as recorded under Section 183 of BNSS.

9. I perused the material on recorded and considered the rival submission of the parties.

10. The prosecution case itself shows that there was a consensual relationship between the alleged victim and the petitioner and as per the medical test, she seems to be 18 years of age and if the benefit of margin of error of age up to two



years is given to the victim, it will become 20 years. Moreover, the petitioner is claiming to be legally wedded husband of the victim and hence, they have entered into the marriage also. Hence, there is no point to curtail the liberty of the petitioner and not only charge-sheet has been submitted, but also charge has been framed in this case.

11. Accordingly, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Angarghat P.S. Case No. 06 of 2025 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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