

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80047 of 2025

Arising Out of PS. Case No.-263 Year-2025 Thana- DHAMDAHA District- Purnia

Om Kumar S/o Tribhuwan Yadav R/o Village - Radhanagar, P.S - Banmankhi,
District - Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] R/o Village - Dhamdaha, District
- Purnia

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Shankar Kumar, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 01-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection
with Dhamdaha P.S. Case No.263 of 2025 registered for the
offence punishable under Section 64 of the Bharatiya Nyaya
Sanhita (BNS) and under Section 4 of the Protection of Children
from Sexual Offences (POCSO) Act.

3. The case of the prosecution, in short, is that the
petitioner who happens to be the brother-in-law of the minor
daughter of the informant has established physical relationship
with her and has also attempted to kidnap her.

4. Learned Senior counsel appearing on behalf of the



petitioner has submitted that during course of investigation the victim has given her statement under Section 183 of the BNSS wherein she has stated that she was in relationship with the petitioner and has established physical relationship with the petitioner. As she was in relationship with the petitioner, she has not alleged any kind of use of force. She has also stated that she wants to marry the petitioner but as the family is not ready this case has been filed. Learned Senior counsel for the petitioner has further submitted that from perusal of the medical examination report it will transpire that the date of birth of the victim is assessed between 18-20 years and Doctor has opined that there was no sign of sexual assault at the time of examination of victim.

5. The application for bail is opposed by learned APP for the State. He has stated that from perusal of the marksheet of the victim issued by Bihar School Examination Board, the date of birth of the victim is 14.03.2008. As such, the victim was minor at the time of occurrence.

6. Learned counsel for the petitioner has submitted that even considering the date of birth of the victim as 14.03.2008, then also she was approaching majority and she has not alleged any kind of force was being used against her or



against her will any sexual act was performed. Learned counsel for the petitioner has further submitted that the petitioner is having no criminal antecedent and he is in judicial custody since 23.09.2025.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the court of learned Additional Sessions Court-VII-cum-Special Court (POCSO), Purnea in connection with Dhamdaha P.S. Case No.263 of 2025.

(Ashok Kumar Pandey, J)

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