

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83459 of 2025

Arising Out of PS. Case No.-79 Year-2024 Thana- BARAHAT District- Banka

Saheb Raza S/O Md. Ashab Alam Resident of village- Kharahara, PS-
Barahat, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar

2. X W/O Y Resident of village- Haripur, PS- Barahat, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md.Najmul Hodda

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 18-02-2026 Heard learned counsel for the petitioner, learned
counsel for the opposite party no. 2 and learned Additional
Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 366(A)/34 of the Indian
Penal Code and Section 8/12 of the POCSO Act.

3. Learned counsel for the petitioner has submitted
that the present case arises out of love relationship between the
petitioner and the victim and as a matter of fact, the victim was
a major and she had voluntarily gone along with the petitioner
and also solemnized marriage with him. It is further submitted
that the First Information Report has been lodged after 23 days
of the occurrence and no explanation has been tendered for such
delay in lodging of the FIR. The victim after recovery has also



been examined under Section 164 of the Cr.P.C. wherein she has disclosed her age as 18 years and the court has also assessed her age as 18 years and she has subsequently stated that she was being ill treated and assaulted at her house by her parents and relatives and it was on account of such fact that she fled away from the house and went to Bhagalpur where she called the petitioner and was staying with him at Patna and then went to Delhi. She has also admitted that she was two months pregnant at the time of recording of the statement under Section 164 of the Cr.P.C. and also stated that she wanted to go to her husband i.e. the petitioner. It has further been submitted that the victim is residing in her matrimonial household i.e. the house of the petitioner and has also given birth to a child. The petitioner is also a young boy of 25 years of age, has no criminal antecedent and he is in custody since 17.10.2025 but was granted provisional bail vide order dated 03.12.2025 till the next date of hearing.

4. Learned APP for the State and learned counsel for the informant have opposed the application for bail. Learned counsel for the informant has submitted that as a matter of fact, according to her age certificate, the victim is a minor and as such, the petitioner does not deserve the benefit of bail.



5. Taking into consideration the facts and circumstances and also considering the statement of the victim made under Section 164 of the Cr.P.C. coupled with the fact that the petitioner is a young boy with no criminal antecedent, the provisional bail granted to the petitioner vide order dated 03.12.2025 stands confirmed.

(Soni Shrivastava, J)

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