

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86184 of 2023

Arising Out of PS. Case No.-134 Year-2022 Thana- PUPRI District- Sitamarhi

Heera Kumar @ Heera Mandal @ Hira Kumar S/o Anil Mandal R/o Village-
Jhajhihat, P.S- Pupri, Distt.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Mr. Rajiv Nayan, APP
For the Informant	:	Mr. Virendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-02-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Pupri P.S. Case No. 134 of 2022 registered for the offences punishable under Sections 363, 366A, 354, 376, 511 and 34 of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012. The petitioner has got one criminal antecedent.

3. As per the prosecution story, the complainant has alleged that on 19.09.2021 her minor daughter has been lured and taken away by the accused persons with an intention to marry her. It is alleged that her daughter took away ornaments, clothes and cash Rs. 25,000/- with herself. Due to social stigma,



the complainant did not lodge any case and kept on searching for her daughter and later on came to know that this petitioner has married with her daughter. On. 07.01.2022 in the morning, complainant's husband heard sound of his daughter and saw that his daughter was being assaulted by the accused persons and when he protested, he was also threatened. His daughter disclosed that for the last four months, the accused has been establishing physical relationship with her on the pretext of marriage.

4. Learned counsel for the petitioner submits that this FIR has been registered on 13.05.2022 on the basis of a complaint case bearing number 15 of 2022 filed in the court of learned Sub-Divisional Magistrate, Pupri, Sitamarhi. It is pointed out that the complainant/informant alleged that the petitioner had lured and taken away her daughter with an intention to marry her. The informant kept searching her daughter, but she could not be found. Later on, it has been noticed by the father of the victim that this petitioner has solemnised marriage with his daughter and later on abandoned her.

5. Learned counsel submits that in this case, the victim is 20 years old and this Court has noticed the earlier



submission of learned counsel for the petitioner in its order dated 12.07.2024 wherein it has been recorded that the victim had herself eloped with the petitioner on 19.09.2021, no complaint was lodged by her parents for a period of about four months thereafter.

6. Learned counsel submits that the allegations made in the complaint petition are a result of the fallout between the petitioner and the victim who is an adult.

7. The prayer has been opposed by the learned counsel for the informant and learned Additional Public Prosecutor for the State. It is submitted that in her 164 CrPC statement, the victim has stated that she was forcefully married and then she was also tortured by the petitioner who kept her in a rented house.

8. Having regard to the facts and circumstances of the case, on noticing that this victim was 20 years old at the time of occurrence and only at a belated stage, a complaint has been filed and allegation has been made against the petitioner, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned A.D.J.-VI-cum-Special Judge POCSO Act, Sitamarhi in connection with Pupri P.S. Case No. 134 of 2022 subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. And further condition that the learned trial court shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the learned trial court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

10. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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