

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85311 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- BAIRIYA District- West Champaran

Rahul Kumar @ Krishna Kumar Mahato, aged about 20 years, Male, Son of Manoj Mahato R/o Village - Gurwaliya Viswas, Ward No.- 12, P.S.- Manuapul, Dist.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Late Madan Mahato R/o - Sant Ghat, P.S.- Bairiya, Dist.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gyan Prakash, Advocate
For the Opposite Party/s	:	Mr.Ramchandra Sahni, APP
For the informant	:	Mr. Abhinav Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 04-05-2026 Heard learned counsel appearing on behalf of the petitioner; learned APP for the State and learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Bairiya P.S. Case No. 41 of 2025 registered for the offence(s) punishable under Sections 137(2), 96, 303(2) and 3(5) of BNS and Sections charge-sheet has been submitted under Section 137(2), 96, 64(1) of BNS and Section 4 of POCSO Act.

3. As per the allegation made in the FIR, the petitioner has kidnapped the minor daughter of the informant with an intention to marry with her.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent, aged about 20 years and he was in love relationship with the victim and has not forcibly kidnapped her, rather the victim girl willingly went with the petitioner. Learned counsel further submitted that the victim is adolescent and the petitioner has just emerged an adult and victim are/were undergoing with psychological, physiological as well as biological changes and attraction for opposite sex is natural. The statement of girl has been recorded under Section 183 of BNSS in which she has also stated that she herself has left home out of grudge with her family members and thereafter she solemnized marriage with the petitioner. Petitioner has clean antecedent.

5. Learned counsel appearing on behalf of the informant and learned APP appearing on behalf of State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, the fact that the victim in her statement recorded under Section 183 BNSS has stated that she herself has left her home due to grudge with her family members, I find that the victim is adolescent and the petitioner have just emerged an adult and are/were undergoing



psychological, physiological as well as biological changes and infatuation and attraction for the opposite sex is natural. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge VII-cum-Special Judge (POCSO), Bettiah, West Champaran / Concerned Court in connection with Bairiya P.S. Case No. 41 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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