

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87192 of 2025

Arising Out of PS. Case No.-109 Year-2025 Thana- JITNA District- East Champaran

Jitendra Kumar @ Golu, Male, aged about 22 yrs., Son of Bigan Sah,
Resident of Village- Bijabani Baraiya Tola, P.S.- Jitna, District- East
Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-01-2026 Heard Mr. Rajesh Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Sanjay Kumar Pandey,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Jitna P.S. Case No. 109 of 2025, registered for the offence
punishable under Sections 137(2), 87 and 3(5) of the B.N.S.

3. As per the allegation made in the FIR, petitioner
along with other accused persons, had kidnapped the minor
daughter of the informant with an intention to perform marriage
with her.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner has just emerged as an adult
and is aged about 22 years and he was in love relationship with



the daughter of the informant though he was not conscious of the fact that she has not attained her majority. Both daughter of the informant, as well as, the petitioner were also unaware of the stringent provision of POCSO Act and it is well known that the petitioner was emerging as an adult and was going through several psychological and physiological change in his body. The victim has nowhere alleged in her statement recorded under Section 183 BNSS that the petitioner, in any manner, has forcibly kidnapped her and committed any sexual assault, rather, she has given declaration before the concerned magistrate that she, on her own, went to Kathmandu along with the petitioner. Victim girl is now living along with her parents. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. I appreciate the reason given by the learned counsel appearing on behalf of the petitioner that the petitioner has just emerged as an adult and he was in love relationship with the daughter of the informant, who too has supported the said fact under statement recorded under Section 183 BNSS and she has also stated that she, on her own, had eloped with the petitioner



and it is informed that victim girl is now living along with her parents. 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/her 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 the learned District Court where the case is pending, in connection with Jitna P.S. Case No. 109 of 2025, subject to the condition 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 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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