

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86931 of 2025

Arising Out of PS. Case No.-196 Year-2025 Thana- GORADIH District- Bhagalpur

Md. Afjal @ Mohammad Abzal Son of Md. Rais Resident of Tarcha, P.S.-
Goradih, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Y Resident of Village- Tarcha, P.S.- Goradih, District- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md.Najmul Hodda, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Ms. Swati Parmar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-01-2026 Heard Mr. Md.Najmul Hodda, learned counsel appearing on behalf of the petitioner; Mr. Shailendra Kumar Singh, learned APP for the State and Ms. Swati Parmar, learned counsel appearing on behalf of the Informant.

2. The petitioner seeks pre-arrest bail in connection with Goradih P.S. Case No. 196 of 2025 registered for the offence(s) punishable under Sections 126(2), 115(2), 69, 352, 351(2)(3), 3(5) of the BNS and Section 04 of the POCSO Act.

3. As per the allegation made in the FIR, the petitioner established a relationship with the minor victim girl (informant's daughter) on the pretext of marriage.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has



falsely been implicated in the present case. The petitioner and the minor victim girl (informant's daughter) was in love relationship and the petitioner wanted to marry with the victim girl. The petitioner has just emerged as an adult being aged about 18 years and the victim is aged about 15 years and at this stage, natural attraction for the opposite sex cannot be denied coupled with the several psychological and physiological change person undergo. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Ms. Swati Parmar, learned counsel appearing on behalf of the Informant vehemently opposed the prayer for grant of pre-arrest bail, however, she admitted that attraction at this age is natural.

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

7. Considering the rival submissions made on behalf of the parties, as well as, the nature of allegation made in the FIR and the petitioner, who is 18 years old, has just emerged as an adult, going through psychological, physiological, as well as, biological changes and infatuation and attraction for the opposite sex is natural and he may be unaware of the rigors of



his wrong doing. Consideration in this regard can be made in light of the law laid down by the Madras High Court in the case of *Vijayalakshmi & Anr. vs. State Rep. by the Inspector of Police & Anr.* reported in (2021) SCC OnLine Mad 317, learned District Court is directed to verify the statement of the victim recorded under Section 183 of the BNSS and if it is found that she has admitted the relationship with the petitioner and has not supported the prosecution story then in that case the petitioner 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/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Goradih P.S. Case No. 196 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C./482 of the BNSS.

8. Accordingly, the present application stands disposed of.

(Purnendu Singh, J)

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