

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88083 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Shashi Kumar Mahto S/O Umesh Mahto Resident of Vil.- Nizamat, Ward No.
01, Jitwarpur, P.S.- Mufassil, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XX D/o YY Resident of Sarari Khidderpur, 49/5/2A Karl Marx, P.S.-
Bhawanipur, District- 24 Pargargana Dakshin Kolkata (W. Bengal.)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ankit Kumar Jha
For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-02-2026 Heard the parties.

2. The petitioner seeks bail in connection with

Samastipur Muffasil P.S. Case No. 75 of 2025 registered

for the offence under Sections 376(2), 376(2)(n) IPC

and u/s 6 of POCSO Act and Section 9 of Child Marriage

Restraint Act.

3. The petitioner is named in the F.I.R. and is in

custody since 22.10.2025.

4. As per FIR, petitioner alleged to commit rape

upon informant aged about 16 years.



5. Learned counsel appearing on behalf of the petitioner submitted that at best it is a case under Section 9 of Child Marriage Restraint Act as with consent of the parties the marriage of the petitioner was solemnized with victim who is now mother of one child. It is submitted that petitioner and victim solemnized marriage out of their love affairs and due to initial misunderstanding the present case was lodged. While concluding the argument, it is submitted that both parties are now living happily as wife and husband. Petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel for the informant submitted that matter now compromised between the parties and supported the submission that victim is living happily with family of the petitioner.

7. In view of aforesaid factual submission and by



taking note of fact as the dispute and confusion on the basis of which the present implication appears raised *prima-facie* now appears compromised between the parties, coupled with fact as investigation of this case already completed where petitioner remains in custody since 22.10.2025, accordingly petitioner above named, is directed to be released on bail in connection with Samastipur Muffasil P.S. Case No. 75 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge VI cum Spl. Court (POCSO) Samastipur /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

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