

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89022 of 2025

Arising Out of PS. Case No.-95 Year-2025 Thana- ARIYARI District- Sheikhpura

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Amit Kumar @ Sharwan Kumar S/o- Vijay Mahto Village- Mankaul PS-
Ariyari Distt- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Das, Adv.
For the Informant	:	Mr. Roop Kishan, Adv.
For the State	:	Mr. Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-01-2026 Heard Mr. Pankaj Kumar Das, learned counsel for the

petitioner Mr. Roop Kishan, learned counsel for the informant and

Mr. Rajendra Prasad Nat, learned APP for the State.

2. Petitioner seeks regular bail in connection with

Ariyari P.S. Case No. 95 of 2025 dated 12.07.2025 registered for

the offence punishable under section 96 read with Section 3(5) of

the BNS.

3. The main submissions advanced by the petitioner's

counsel are that the petitioner is 23 years of age and has been

languishing in jail since 13.10.2025, the informant's daughter,

(victim) has not supported the prosecution allegation before the

Judicial Magistrate while recording her statement under section

183 of the BNSS and her statement in the typed form has been

filed with this petition as Annexure-2 and the same may be

perused and in this regard, the trial court's order is also relevant.

4. On the other hand, learned counsel for the informant

has vehemently opposed the bail prayer of the petitioner and



submits that the victim's consent is not material as at the time of the commission of the alleged occurrence she was a minor and in view of the allegations the offences under POCSO Act are attracted in this matter and for better appreciation of this matter, case diary as well as victim's statement may be called for.

5. Learned APP for the State has also opposed the bail prayer of the petitioner.

6. Considering the aforesaid submissions, averments made in this petition and mainly taking into account the victim's statement recorded by her before the Judicial Magistrate as discussed in the trial court's order in which she revealed that she willingly went with the petitioner and solemnized marriage with him coupled with petitioner's young age and his custody period and the completion of investigation against him, this court is inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Ariyari P.S. Case No. 95 of 2025.

(Shailendra Singh, J)

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