

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.639 of 2026

Arising Out of PS. Case No.-252 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Krishna Kumar @ Krishna Kumar Ram S/o Dilip Ram @ Dilip Kumar R/o
Village- Jalalpur Tatwa Tola, P.S- G.B. Nagar Tarwara, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate.
For the Opposite Party/s : Mr. Ram Naresh Ray, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-04-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Gautam Buddha Nagar P.S. Case No. 252 of 2024
registered for the offence punishable under Sections 363 and
366A of the Indian Penal Code.

3. As per the allegation made in the F.I.R., petitioner
who is aged about 20 years allegedly 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 the petitioner is innocent. He has just
emerged as an adult and he was in relationship with the minor
daughter of the informant. The daughter of the informant was



not kidnapped rather she on her own had accompanied the petitioner and she returned after living with him for nearly 8-10 days. The victim in her statement recorded under Section 183 BNSS though has supported the prosecution story, but the same cannot be relied as there is every likelihood that she may have been tutored by her parents and other family members. Learned counsel further submits that the petitioner has just emerged as an adult being aged about 20 years and the victim is aged about 17 years and at this stage, natural attraction for the opposite sex cannot be denied coupled with the several psychological and physiological change a person undergoes. He further submitted that the petitioner, at this tender age, was unaware of the rigors of the POCSO Act and the legal consequences arising out of a relationship with a minor. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

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

6. Having heard the rival submissions made on behalf of the parties, as well as, the allegation made in the F.I.R., I find that the learned District Court has totally failed to consider that the petitioner has just emerged as an adult, on the date of alleged



incidence, he was aged about 20 years and the daughter of the informant was 17 years, natural attraction for the opposite sex cannot be denied coupled with the several psychological and physiological change, a person undergoes. I find it proper to direct the learned District Court to pass a fresh reasoned order 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*, within a period of two weeks from the date of receipt/production of a copy of this order.

7. In the meantime, the petitioner is directed to be released on pre-arrest bail provisionally on such terms and conditions as the learned District Court deems fit and proper, subject to outcome of the final order passed by the learned District Court.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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