

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.671 of 2026

Arising Out of PS. Case No.-115 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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Sagar Kumar @ Ramshankar Kumar S/o- Raktu Mukhiya Village- Herkain
Suraha Near Mandir PS- Muffasil Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. XX W/o- YY R/v- Barharwa W.No-11, Ps- Muffasil Dist- East Champaran

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-04-2026 Heard Mr. Rakesh Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Mohammad Sufyan, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Muffasil No. 115/2025 registered for the offence(s)
punishable under Sections 96, of the Bharatiya Nyaya Sanhita
and Section 8 of Protection of Children From Sexual Offences
Act.

3. As per the allegation made in the FIR, petitioner
had 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 and he has falsely been implicated in the case. The victim in her statement recorded under Section 183 of the BNSS has categorically stated that she had voluntarily fled with the petitioner and solemnized marriage with him (Annexure-P/2). Learned counsel further submitted 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 person undergo. The petitioner has clean antecedent. On these grounds, the 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. Considering the rival submissions made on behalf of the parties, as well as, the nature of allegation made in the FIR and the statement of the victim recorded under Section 183 of the BNSS, wherein she has categorically stated that she had voluntarily fled away with the petitioner and solemnized marriage with him (Annexure-P/2), the petitioner, who is 20 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*. I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the Court below 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 Muffasil No. 115/2025, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

8. The District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para- 3 of the bail petition, this order will



automatically lose its force.

(Purnendu Singh, J)

Ashishsingh/-

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