

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1453 of 2026

Arising Out of PS. Case No.-187 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Arjun Kumar S/O Rohit Tanti Resident of Village -Rasalpur, Police Station-
Rajaun,Dist- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/O Late Shankar Tanti R/O Mohalla- Kutubganj,P.S- Babarganj,Dist-
Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

- 2 15-01-2026 At the outset, learned counsel for the petitioner submits that the occurrence is of dated 13.05.2023 and even the informant has stated that the victim girl was aged about 18 years and the FIR was initially registered under Section 366 IPC. Subsequently, Section 376 IPC and Sections 4 & 6 of the POCSO Act were inserted and cognizance has been taken under these provisions. However, when the deposition of the victim girl was being recorded by the court concerned, her age was assessed to be 23 years on 04.11.2025. These facts clearly show that the victim was not minor and there could be no application of Section 4 & 6 of the POCSO Act. In these circumstances, learned counsel submits that there is no need to issue notice to



the informant.

02. Heard learned counsel for the petitioner and learned APP for the State.

03. In the present case, the petitioner seeks bail in connection with Mozahidpur (Babarganj) P.S. Case No. 187 of 2023 registered for the alleged offences under Sections 366 of the Indian Penal Code and later on added Section 376 of IPC and 4 & 6 of the POCSO Act.

04. As per prosecution case, the 18 years old daughter of the informant went to collect her result of Intermediate but did not return to her house. She took with herself Rs. 2,00,000/- in cash, some ornaments and her educational documents of Class-10 and 12. The name of the petitioner transpired during investigation for being instrumental in the missing of the daughter of the informant.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been named in the FIR. From the FIR, it is clear that the daughter of the informant voluntarily left her house and she was a major girl. The victim girl solemnized marriage with the petitioner and in her statement recorded under Section 183 BNSS, she stated these facts. There was no force or



coercion against the victim girl. The matter has also been compromised between the parties and the victim girl has been residing in her matrimonial house happily. The deposition of the victim girl has also been recorded wherein she stated that she left her house on her own and solemnized marriage with the petitioner and started living with him in his house. The petitioner has got no criminal antecedent and is in custody since 07.02.2025. Charge-sheet has been submitted.

06. Learned APP for the State opposes the submission made on behalf of the petitioner.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of act of the victim and her age at which a girl develops sufficient maturity and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Bhagalpur/court concerned in connection with Mozahidpur (Babarganj) P.S. Case No. 187 of 2023, subject to the conditions mentioned in Section



480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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