

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.92066 of 2025

Arising Out of PS. Case No.-695 Year-2024 Thana- NAGAR District- Vaishali

Pavan Kumar Chaudhary @ Pavan Kumar, aged about 23 years, Male, S/O Ganesh Chaudhary, R/o Village- Chhipi Tola, Chauhatta, PS- Town Hajipur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. X through her father Prakash Kumar Thakur S/o Birendra Thakur, R/o vill - Rajendra Chowk, Pokhra Mohalla, Prem Market, Gudri Road, P.S.- Town Hajipur, Distt.- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-02-2026 Heard Mr. Manish Kumar, learned counsel
appearing on behalf of the petitioner and Ms. Ajit Kumar,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Town Hajipur P.S. Case No. 695/2024 registered for the offence(s) punishable under Sections 96, 3(5) of the BNS and Section 8, 12 of the POCSO Act.

3. As per the allegation made in the FIR, petitioner along with other accused persons, had kidnapped the minor daughter of the informant with an intention to solemnized marriage 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. As per the impugned order, the victim in her statement recorded under Sections 180 and 183 BNSS, has stated that she has solemnized marriage with the petitioner out of her own will. Learned counsel further submits that the petitioner has just emerged as an adult being aged about 23 years and the victim is aged about 16 years and at this stage, natural attraction for the opposite sex cannot be denied coupled with the several psychological and physiological change person undergo. Other co-accused namely, Kiran Devi has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 19.04.2025 passed in Criminal Miscellaneous No. 87405 of 2024. 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. However, he submitted that the victim in her statement recorded under Section 183 of BNSS has not supported the prosecution story.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, the nature of allegation made in the FIR and the petitioner, who is 23 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,. Learned District Court is directed to verify the statement of the victim recorded under Section 183 of the BNSS and if it is found that she has admitted the relationship with the petitioner and has not supported the prosecution story, then in that case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees 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 Town Hajipur P.S. Case No. 695/2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. The learned 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 paragraph no.3 of the bail application,
this order will automatically lose its force.**

(Purnendu Singh, J)

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