

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No.2420 of 2026

Bipin Kumar, aged 21 years, son Shiv Prasad Mandal @ Shri Prasad Mandal, resident of Labri, P.O. & P.S.-Barhait, District-Sahibganj.

Petitioner

....
Versus

The State of Jharkhand

Opp. Party

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner

: Mr. Vikas Kumar, Advocate

Mr. Niraj Kumar, Advocate

For the Opp. Party

: Mr. Rajneesh Vardhan, A.P.P.

02/Dated: 25.03.2026

1. The instant bail application has been filed under Section 483 and 484 of the B.N.S.S., 2023 for consideration of regular bail, in connection with Special POCSO Case No.82 of 2025, arising out of Barhait P.S. Case No.181 of 2025, registered for the offence under Section 96, which is pending in the Court of the learned Addl. Sessions Judge-cum-Special Judge, POCSO at Sahibganj.
2. It has been contended on behalf of the petitioner that as per the statement recorded of victim, she, on her own, has gone with the petitioner and solemnized marriage with the present petitioner, as such, submission has been made that it is nothing but consensual.
3. Learned counsel, based upon the aforesaid ground, has submitted that it is a fit case for grant of regular bail.
4. Serious opposition has been made on behalf of learned State Counsel by agitating the fact that the age of the victim was 14 years on the date of occurrence, therefore, in a case of minor, there is no scope to take the ground of consensual relationship.
5. Further, the nature of allegation said to be committed by the petitioner is serious taking into consideration the fact that the cognizance for the offence has been taken under Sections 96/64(1) of the B.N.S and Section 4 of the POCSO Act.

6. This Court has heard the learned counsel for the parties and gone through the first information report along with the statement of the victim.
7. The ground which has been taken on behalf of the petitioner that it is consensual and as such, there is no offence as has been alleged either under Sections 96/64(1) of B.N.S. Act or Section 4 of the POCSO Act.
8. This Court, taking into consideration the fact that the cognizance has also been taken under Section 4 of the POCSO Act as also the fact that the age of the victim was 14 years on the date of occurrence and the object and intent of the POCSO Act does not have concept of establishing the physical relationship with a minor with her consent, therefore, is of the view that it is not a case where the present application is to be allowed.
9. Accordingly, the instant bail application is dismissed.

(Sujit Narayan Prasad, J.)

25.03.2026

Rohit/-