

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1688 of 2025

Arising Out of PS. Case No.-474 Year-2023 Thana- SUPAUL District- Supaul

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Ajit Kumar Mehta @ Ajit Kumar Son of Late Upendra Mehta Resident of
Village - Amarpur, Ward No. 4, P.S. - Sonbarsha Kachahry, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP
For the informant	:	Mr. Amrit Abhijat , Advocate
		Mr. Manoj Kumar Gupta, Advocate
		Mr. Sanjay Singh, Advocate
		Mr. Upendra Yadav , Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-02-2025 Heard learned counsel for the petitioner, informant
and the State .

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under sections 376, 420, 504, 506 and
34 of the Indian Penal Code .

3 . The prosecution case , in brief, is that the husband
of the informant used to work at the juice shop of one Ajit
Kumar Mehta in Delhi. It is alleged that this petitioner Ajit
Kumar Mehta , used to come from Delhi time to time and stay



with the informant's family at Supaul, and in that course, he made sexual intercourse with informant on promise of marriage . It is further alleged that whenever she objected, this petitioner threatened and assaulted her husband and threatened to stop paying maintenance of her children . It is further alleged that this petitioner got the informant separated from her husband and forcibly made sexual relations with her. Later, he put vermilion on the informant and started keeping her as a wife at different place in Supaul and continued sexual intercourse with her, having obtained consent for marriage from co-accused persons, namely Pappu Mehta and Vishama Devi, but kept procrastinating her requests for court marriage . It is further alleged that the petitioner didn't come to the informant's residence during the Holi festival in the year 2023, so the informant went to his house at Amarpur village and informed the occurrence to his neighbours, whereupon co-accused persons, namely Pappu Mehta and Vishama Devi, assaulted her, but she was saved by the people present over there . Thereafter, due to social pressure, the petitioner started keeping the informant as his spouse in her rented accommodation at Supaul. On 11/03/23, the petitioner went outside on the pretext of going to court, but he didn't return. Later, the informant came to know



that she was again cheated by the petitioner. On 18/03/23, the informant sent a notice through an advocate , and upon receiving the same , all the accused persons threatened her with dire consequences.

4. Learned counsel for the petitioner submits that learned counsel appearing on behalf of the petitioner submits that informant is married lady and mother of three children . From bare perusal of the F.I.R., it is apparent that both parties were in relationship and enjoyed each other's company, and indulged in sexual act for months together and as such, it cannot be said to be induced or involuntarily. The relationship was consensual. The informant was very much capable of understanding the consequences of her action . Petitioner claims clean antecedent.

5 . Learned counsel for the State and informant opposed the bail petition of the petitioner.

6. Considering the fact that both the parties were major when the relationship developed between them and informant was well aware of such relationship and its consequences and as such, the same will not amount to any criminal offence , in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above , be



enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Supaul in connection with Supaul P.S. case No. 474 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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