

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3972 of 2025

Arising Out of PS. Case No.-20 Year-2024 Thana- MAHILA P.S. District- Saharsa

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Aklesh Kumar @ Akhilesh Kumar Son of Munni Lal Sah Resident of Village
- Araha, P.S.- Saur Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 18-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with S.T.
No. 363 of 2024, arising out of Mahila Saharsa P.S. Case No.
20 of 2024 instituted for the offence under Sections 69, 352,
351(2) & 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. The informant alleged that she was in a love
relationship with petitioner for a year and on the promise of
marriage, he established physical relations with her in a rented
house, resulting in a 5-month pregnancy. Later, he refused
marriage, abused her on phone, and threatened to kill her if she
did not abort the child.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 08-08-2024. Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner mainly submits that victim is major and there was consensual relationship with the petitioner, which is evident from bare perusal of the FIR itself. There is inordinate delay of 8 days in lodging the FIR. There is no material against the petitioner of false promise of marriage. Charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that victim is pregnant having a 24 weeks pregnancy and on the false pretext of marriage, petitioner has established sexual relationship with her. Hence, he does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing***



of charge, if not already framed, on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S.T. No. 363 of 2024, arising out of Mahila Saharsa P.S. Case No. 20 of 2024, subject to the following conditions:

- (I) One of the bailors shall be own/close member of the family of the petitioner.
- (II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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