

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10902 of 2025

Arising Out of PS. Case No.-133 Year-2024 Thana- MAHILA PS District- Darbhanga

1. Santosh Kumar Mukhiya S/O Jagdish Mukhiya R/O Village- Athar, P.S-
Baheri, Dist- Darbhanga.
2. Geeta Devi @ Gita Devi W/O Dhanik Sahni @ Dhanik Mukhiya R/O
Mekna, P.S- Sonaki, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afsana Khatoon D/O-Md. Usman , Village-Mekana, P.S.-Sonaki,Dist-
Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Mahila P.S. Case No. 133 of 2024, registered for the offences under Sections 64, 89, 351(2), 352, 3(5) of the B.N.S.

3. As per the prosecution case, the petitioner no. 1 on pretext of solemnizing marriage with the informant established sexual relationship with her and thus exploited her for five years. The informant became pregnant three times and her pregnancy was aborted by the petitioner no. 1 with the help of



petitioner no. 2. Later on the petitioners refused to solemnize the marriage of informant with petitioner no. 1. Subsequently, a *panchayati* was held and the petitioner no. 1 agreed to marry the informant but later on he failed to abide by his undertaking.

4. Learned counsel appearing on behalf of the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The occurrence is stated to have taken place on 12.11.2024 but the FIR was lodged on 06.12.2024 and there is no explanation for the delay. The true fact of the case is that there has been love affair between the petitioner no. 1 and informant started pressurizing the petitioner for marriage and when he refused then this false case has been lodged. The statement of the victim lady was recorded under Section 183 of the B.N.S.S. and she did not make any statement about petitioner no. 1 committing rape though she has stated that petitioner no. 2 told her that as she belongs to different religion, marriage could not be solemnized. Even in the medical report, no positive evidence to suggest commission of recent sexual intercourse has been found. The petitioners are having clean antecedent. The petitioners are in custody since 08.12.2024 and charge sheet has been submitted.



5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that there is specific allegation against the petitioner no. 1 that he committed rape with the informant giving her inducement of marriage. Though notice was issued to the informant /opposite party no. 2 but despite service of notice there is no representation on their behalf.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the statement of the victim girl recorded under Section 183 of the B.N.S.S. and also considering the period of custody of the petitioners and submission of charge sheet, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Darbhanga/concerned court, in connection with Mahila P.S. Case No. 133 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court



below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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