

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8730 of 2025

Arising Out of PS. Case No.-44 Year-2024 Thana- MAHILA PS District- Khagaria

Lalu Kumar Son of Late Kailash Thakur Resident of Dhadhi Bhadas, Ward
no. 2, PS- Muffasil District -Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Kumar Daughter of Manjur Thakur Resident of Dhadhi Bhadas, Ward
no. 6, PS- Muffasil District -Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Santosh Kumar Singh
For the Opposite Party/s :	Mr. Navin Kumar Pandey- A.P.P.
	Mr. Rahul Singh
	Mr. Amar Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-07-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the informant.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 493 and 506 of the Indian Penal Code.

3. The learned counsel appearing on behalf of the
informant, at the outset, submits that informant has not
instituted the instant FIR alleging rape rather the FIR has been
instituted under Section 493 of the I.P.C. which incorporates
that:- *“Every man who by deceit causes any woman who is not lawfully
married to him to believe that she is lawfully married to him and to*



cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

4. It is thus submitted that petitioner made the informant believe that she is his lawfully wedded wife and on that pretext established physical relation on several occasions. It is next submitted that in order to make the informant believe that she was her lawfully married wife, the petitioner took her to Chandi Asthan where he bought vermilion and thereafter, they did Puja together and whenever the informant asked him to marry her, he used to refuse on one pretext or the other. It is thus submitted that petitioner deceitfully made the informant believe that she is his legally wedded wife and thereafter established physical relation which is an offence.

5. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that both petitioner and the informant are major and the relationship was purely consensual. It is next submitted that no doubt, allegation of rape has not been alleged, but then, the informant alleges that she was deceived to believe that she was lawfully married wife of the petitioner in lieu whereof physical relation was established. It is next submitted



that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that the petitioner took her to Chandi Asthan where he bought vermilion, but then, the vermilion was not put on her forehead, as such, it cannot be alleged that petitioner committed any act even to give remote impression that he even intended to marry. It is next submitted that whenever consensual relationship sours, such allegation are alleged. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that petitioner and the informant are major, the relationship was consensual and petitioner never put vermilion on her forehead.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Khagaria in connection with



Mahila P. S. Case No.44 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

9. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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