

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20432 of 2025

Arising Out of PS. Case No.-82 Year-2024 Thana- MAHILA PS District- Buxar

Vishnu Jee Tiwary @ Vishnuji Tiwary @ Vishnu Tiwary Son of Uday
Narayan Tiwary Resident of Village - Babanagar, Near Usha Singh Hospital,
Yamuna Nagar Colony, Buxar, P.S. - Buxar (Muffasil), District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nil Kamal, Adv.

For the Opposite Party/s : Mr.Abhay Kumar Roy, A.P.P.

Mr. Krishna Chandra Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Buxar(Mahila) P.S. Case No.82 of 2024, registered for the offences under Sections 69, 89, 318(4), 351(2), 3(5) of the BNS.

3. As per the prosecution case, giving inducement of marriage, the petitioner established physical relationship with the informant and twice aborted her pregnancy. When the informant refused to undergo the process of termination of pregnancy for the third time and birth of child took place, giving further inducement of marriage, the petitioner took away a number of ornaments and cash of Rs.7 lakh from the informant.



Subsequently, the informant came to know that the petitioner solemnized marriage with another lady and refused to solemnize marriage with the informant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is clear that there is no allegation of rape and molestation and it is apparent that it was a consensual act of the parties in having sexual relationship. It is further not believable that the victim informant became pregnant on three occasions and twice her pregnancy was terminated by the petitioner but she did not make any objection or did not insist on marriage. Learned counsel further submits that from the rejection order it appears the informant was already married from before. The petitioner is having no criminal antecedent and he is custody since 09.12.2024 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State and learned counsel for the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that specific provision has been introduced in the Bharatiya Nayaya Sanhita in Section 69 about the person who establishes sexual relationship with a person giving inducement of marriage.



Further, the petitioner got aborted the pregnancy of the informant on two occasions.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner, submission of charge sheet against him and his period of custody, the petitioner is 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 District and Additional Sessions Judge-I-cum-Special Judge, SC/ST(P.O.A.) Act, Buxar/concerned court, in connection with Buxar(Mahila) P.S. Case No.82 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 petitioner.

(ii) The petitioner 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
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

Anuradha/-

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