

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22756 of 2025

Arising Out of PS. Case No.-127 Year-2024 Thana- ROSHANGANJ District- Gaya

Surya Kaushik Son of Rajesh Kumar @ Rajesh Prasad Resident of Mohalla-
Devjarea Behind Imamganj Petrol Pump PS -Imamganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Javed Jafar Khan, Advocate
For the State	:	Mr. Rajiv Nayan, A.P.P
For the Informant	:	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioner, learned A.P.P
for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Raushanganj P.S. Case No. 127 of 2024 lodged on 21.11.2024, for the offence punishable under Sections 127(1), 115(2), 352, 351(2), 69, 88 & 3(5) of the Bharatiya Nyaya Sanhita, 2023, pending in the Court of Judicial Magistrate 1st Class, Sherghati, Gaya.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner. It has been alleged in the FIR that the petitioner has developed physical relation with the informant on the pretext of marriage for one year and in result, informant got pregnant. Subsequently,



petitioner has given some medicines to the informant in the name of vitamins due to which abortion has been done forcefully. Thereafter, informant went with her relatives to the petitioner's house, but petitioner's mother and father stopped them to enter into the house. It has also been alleged that petitioner's family demanded Rs.10 Lacs from the informant in the name of dowry and upon failure, they shall not accept the informant as their daughter in law.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that it is true that in the order sheet dated 01.05.2025, it has been acknowledged by the counsel for the petitioner that he has received instruction from his client that he is ready to keep the informant with due respect. Counsel submits that further hearing took place in this case on 16.05.2025 in which, the Co-ordinate Bench of this Court has pleased to grant liberty to the counsel for the informant to file the counter affidavit. Counsel further submits that supplementary affidavit has been filed in which specific stand has been taken in paragraph no.15 that in the alleged marriage, no customs and rites have been followed and there was no any witness who performed the alleged marriage, so the claim to bring the lady and keep in the house



without any legally marriage is not sustainable in the eye of law because the alleged marriage may be treated as null and void and on this ground alone, the submission for seeking instruction for the same is also bad and not based on real truth of the case.

5. Learned counsel for the petitioner further submits that petitioner is a student of Government Engineering College and he has falsely been implicated in this case at the instance of informant. Counsel also submits that the petitioner has no criminal antecedent. Counsel submits that the informant is a matured lady and filed a false case against the petitioner.

6. Learned counsel for the informant on the other hand submits that the allegation made in the FIR is absolutely correct. He submits that *vide* order dated 01.05.2025, counsel for the petitioner only after taking instruction from his client has intimated to this Court that petitioner is ready to keep the informant with due respect. Counsel submits that keeping the informant with due respect does not mean not performing the customs and rites. But, subsequently, by virtue of filing the supplementary affidavit, a complete contradictory stand has come before this Court in which prayer has been made to this Court that the alleged marriage may be declared null and void.

7. Learned APP for the State opposes the prayer for



bail of the petitioner and submits that counsel for the petitioner upon taking instruction from his client that he is ready to keep the informant, but subsequently, by filing the supplementary affidavit, he states that the marriage, be declared null and void.

8. This Court is not the court of Principal Judge, Family Court and the power of declaring a marriage to be null and void is well vested before the Principal Judge, Family Court.

9. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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