

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23600 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- MAHILA PS District- Jamui

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Dheeraj Kumar Suman S/o Dharikshan Chaudhary Permanent R/o Village-
Sherpur, P.S.- Karpi, District- Arwal, At present R/o At- Mayaypur located
Police Kendra, Jamui, P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Devika Rani, Adv
For the Opposite Party/s	:	Mr. Bishweshwar Ram, APP
For the Informant	:	Mr. Krishna Pd. Singh, Sr. Adv

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 05-05-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in connection with Jamui Mahila P.S. Case No. 12 of 2025, registered for the offence punishable under Sections 126(2), 115(2), 318(4), 69, 351(2) of B.N.S.

3. The case of the prosecution, in short, is that the informant Preeti Kumari alleged that the Surgent Dheeraj Kumar Suman (the petitioner herein), who was a senior officer, established physical relationship with her under the pretext of marriage. It is further alleged that the petitioner exploited her sexually several times and when she became pregnant, he forcibly administered abortion pills which led to her miscarriage. He did this citing family obligations. The informant



further alleges that the petitioner financially exploited her by making her pay for shopping materials and cheated her to the extent of rupees 2-3 lakhs. When the informant demanded for marriage, the petitioner refused, beat her up and threatened to kill her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case with a view to extort money from him and to compel him to solemnize marriage with the informant. He further submits that both the informant and the petitioner are adults and the relationship between them was consensual. They were living together for a prolong period of time and with the consent of each other, they were indulging in sexual relationship. The petitioner further submits that the allegation of miscarriage is totally false and the informant has not come up with even a cheat of paper to demonstrate that she was ever pregnant or that the petitioner gave her any kind of medicine. The allegation regarding cheating her and making the informant pay for shopping materials is also denied by the petitioner. Petitioner relies upon a judgment of Hon'ble Supreme Court delivered in the case of Biswajyoti Chatterjee vs The State of West Bengal in which the Hon'ble Supreme Court made the following



observations:-

“We find that there is a growing tendency of resorting to initiation of criminal proceedings when relationships turn sour. Every consensual relationship, where a possibility of marriage may exist, cannot be given a colour of a false pretext to marry, in the event of a fall out. It is such as that amounts to an abuse of process of law, and it is under such circumstances, that we deem fit to terminate the proceedings at the stage of charge itself.”

5. Learned Senior Counsel, Mr. Krishna Pd. Singh appearing for the informant as well as learned A.P.P. for the State oppose the prayer of anticipatory bail contending that the allegations levelled in the F.I.R. tantamounted to the petitioner committing an offence of Section 69 of B.N.S. and therefore, the petitioner does not deserve to be granted anticipatory bail.

6. Considering the facts and circumstances of the present case and also the fact that the petitioner and the informant both are adults and they have been having sexual relationship for a prolonged period of time, at this stage, it cannot be said that it was not a case of consensual relationship between two adults and therefore, in my view, it would not be proper to curtail the personal liberty of the petitioner in such circumstances. This Court is, therefore, inclined to grant



privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jamui in connection with Jamui Mahila P.S. Case No. 12 of 2025, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

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