

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25938 of 2025

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

Pradip Kumar @ Pradip Sah @ Golu S/o Raju Sah @ Raju Prasad R/o Vill.-
Shantipuri, P.S.- Town, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruksaar Khatoon D/o Late Jahir Miya R/o Shantipuri, P.S.- Town, Distt.-
East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahul Singh, Adv.
For the State	:	Mr. Braj Kishore Pd., APP
For the Informant	:	Mr. Sagar Kumar, Adv. Mr. Abhishek Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

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

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 127(1), 115(2), 85, 64, 89, 79, 352, 351(2), 3(5) of the BNS and Section 3/4 of the Dowry Prohibition Act and he is husband of the informant.

3. A perusal of the FIR would go to show that initially there was a love affair between the informant and the petitioner who committed rape and established physical relationship with her on the pretext of marriage and when the informant became pregnant, after a *Panchayati*, they solemnized marriage which



resulted in cruelty due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that the allegations levelled against the petitioner are incorrect and as a matter of fact, the dispute between the parties arose when the petitioner came to know that the informant is a married woman. It is further submitted that on the date of marriage, one *panchnama* was prepared for solemnization of marriage and from bare perusal of the said *panchnama* which is Annexure-3 of the application, it is evident that not a single word has been whispered regarding rape with the informant. It is next submitted that a complaint case bearing Complaint Case No. 2539 of 2024 has also been filed by mother of the petitioner against the informant and her family members alleging therein that there was threat from the informant's side to lodge a case in case their demand with regard to share in dwelling house would not be fulfilled.

5. Learned APP for the State and learned counsel appearing for the informant oppose the prayer for anticipatory bail supporting the allegations levelled against the petitioner.

6. At this stage, learned counsel for the petitioner makes an offer that the petitioner would make the payment of Rs.3500.00/- (Rupees Three Thousand Five Hundred) per



month to the informant in the second week of every month for her sustenance.

7. Considering the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Mahila P.S. Case No. 44 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 of the BNSS, 2023s.

8. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

9. Learned counsel for the informant is directed to furnish the bank account details of the informant in the learned Court below. If the informant fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the informant after she furnishes her bank account details. If the petitioner fails to pay the aforesaid amount on two consecutive months, the informant shall be at



liberty to move before the learned Court below for cancelling
the bail bond of the petitioner.

10. Accordingly, this application stands disposed of.

(Soni Shrivastava, J)

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