

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52175 of 2025

Arising Out of PS. Case No.-253 Year-2016 Thana- RIGA District- Sitamarhi

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Dharmendra Yadav @ Dharmendra Prasad Yadav Haradev Ray Resident of
Village- Chotahi, P S.- Riga, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Rinku Devi W/o Navin Yadav Resident of Village- Chotahi, P.S.- Riga,
Distt.- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner who apprehends arrest in connection
with Riga P.S. Case No. 253/2016 lodged on 05.12.2016 for the
offences punishable under sections 376, 504, 506 of the Indian
Penal Code.

3. As per the prosecution, the F.I.R. has been lodged
alleging that the petitioner established physical relations with
the informant by exploiting her for money and against her will.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. For the
alleged occurrence of 03.11.2016, the FIR was lodged belatedly



on 05.12.2016. It is further submitted that from the contents of the FIR itself, it is evident that the relationship was consensual. Upon conclusion of investigation, the police submitted charge-sheet on 16.02.2017 under Section 497 of the Indian Penal Code, which is a non-cognizable offence. However, the said charge-sheet was kept in abeyance, and suddenly, on 21.06.2024, the learned Magistrate took cognizance under Sections 376, 504, and 506 of the Indian Penal Code. It is contended that the present case has been lodged in retaliation to Riga P.S. Case No. 252/2016 instituted against the husband of the informant regarding a scuffle in which the mother and daughter of the petitioner sustained injuries, wherein the police submitted charge-sheet against the husband of the informant under Sections 354, 341, 323, 452, 504, 506/34 of the Indian Penal Code. It is, however, admitted that the petitioner is an accused in one more criminal case.

5. Learned APP for the State opposes the prayer for bail and submits that cognizance has been taken under Sections 376, 504, and 506 of the Indian Penal Code.

6. Considering the fact that an earlier charge-sheet was submitted under Section 497 of the Indian Penal Code, but subsequently cognizance has been taken under Sections 376,



504, and 506 of the Indian Penal Code, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1) (d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the learned ADJ-VI, Sitamarhi, in connection with Riga P.S. Case No. 253 of 2016, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

Ashwini/-

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