

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32446 of 2025

Arising Out of PS. Case No.-264 Year-2024 Thana- DHARHARA District- Munger

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Avinash Kumar, S/o Krishndeo Paswan, R/o Mohalla- Adalpur, P.O.- Aamari,
P.S.- Dharahara, Dist.- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o Sunil Mandal R/o Village- Adalpur, Amari, P.S.- Dharahara, Dist.-
Not given

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Advocate.
		Mr. Jyoti Ranjan Jha, Advocate.
For the State	:	Mr. Sunil Kumar Pandey, APP
For the O.P. No. 2	:	Mr. Upendra Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 03-09-2025 Heard learned counsel for the petitioner, learned APP

for the State and learned counsel for the Opposite Party No. 2.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Dharahra P.S. Case No. 264 of 2024, dated
30.11.2024 registered for the offences punishable under
Sections 69, 126(2) and 352 of B.N.S.

3. The allegation, as emerging from the FIR, lodged
by a 20 year old victim/informant is that by giving false promise
of marriage, the sole accused, who is petitioner herein,
established physical relationship with the informant/Opposite
Party No. 2, and when she asked him to marry her, the
petitioner refused and he is going to marry another lady.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that the informant is matured of 20 years of age and it is not probable to establish physical relationship several times on false promise. She is matured to understand the consequence of her relationship and she cannot establish relationship several times on false promise. He further submits that as per allegation, it appears that it was a consensual relationship and only with the intent to pressurize the petitioner to marry her, this false case has been filed. He also submits that though in her statement under Section 183 BNSS, she has stated that the petitioner has established physical relationship with her for last five years on false promise of marriage, this period of five years is an improvement in her statement to make the case serious. He also submits that there is no such allegation in the FIR.

5. It is also stated in paragraph No. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph No.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.



8. Considering the aforesaid facts particularly the age of the informant and the nature of allegation, , **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in connection with Dharahra P.S. Case No. 264 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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