

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40004 of 2025

Arising Out of PS. Case No.-53 Year-2025 Thana- PAHARKATTA District- Kishanganj

Kamal Gupta @ Kamal Kumar S/o Harihar Gupta Bhimbalish, Ward no. 4,
Thakurganj, PS- Thakurganj, Kishanganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Apurv Harsh, Adv. Mr. Manu Tripurari, Adv. Mr. Raghu Raj Pratap, Adv. Ms. Jaya Singh, Adv.
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP
For the Informant	:	Mr. Radha Mohan Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 27-08-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 69 and 88 of the BNS, 2023.
3. Learned counsel appearing on behalf of the petitioner submits that it is a fit case where the Superintendent of Police, Kishanganj be directed to investigate the informant and thereafter to institute an FIR against her. It is next submitted that from perusal of the facts as pleaded in the supplementary



affidavit, it would manifest that the informant is in habit of extorting innocent people. It is next submitted that in sum and substance, the allegation as alleged in the FIR is that petitioner based on false promise of marriage established physical relationship with the informant and thereafter resiled from marrying her.

4. The learned counsel for the petitioner next submits that informant is married from before and from her earlier marriage, she had two children, thereafter she married one Md. Nasir against whom she has instituted Pahadkatta P.S. Case No. 83 of 2021 dated 26.08.2021 under Section 341, 323, 379, 498A, 504, 506 and 34 of the IPC read with Section 4 of the Muslim Women Protection of Right on Marriage Act, 2019, it is further submitted that informant has also instituted one Maintenance Case No. 57 of 2022 in the Court of learned Principal Judge, Kishanganj against Md. Nasir seeking maintenance, it is thus submitted that informant is married from before with Nasir. It is also asserted and submitted that Nasir is her second husband. It is next submitted that informant already has instituted an FIR and a maintenance case against Nasir seeking maintenance. It is further submitted that the instant FIR has been instituted with the aforesaid allegations. It is next



submitted that petitioner was completely unaware that informant was married from before. It is also submitted that both informant and the petitioner are adults and the relationship was consensual. It is also submitted that petitioner is also a married person. It is next submitted that it absolutely does not stand to reason that when informant herself is a married woman, then on what basis she is alleging that petitioner refused to marry her, it is thus asserted and submitted that the present FIR is nothing but an attempt on part of the informant to extort the petitioner and this aspect of the matter must be investigated, as in the district of Kishanganj, such cases are promptly being instituted.

5. Learned APP for the State and the learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail of the petitioner and the learned counsel appearing on behalf of the informant submits that though it has been submitted by the learned counsel appearing on behalf of the petitioner that informant is married to Nasir and has instituted an FIR and a maintenance case against the petitioner, but then he has no such instruction on the said issue.

6. At this stage, the learned counsel appearing on behalf of the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the



informant in the FIR has stated that she is a divorcee, but then she is pursuing both FIR and the maintenance case against Nasir. It is reiterated and submitted that relationship was purely consensual and when the same soured, the present false FIR came to be instituted. It is further submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

7. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pahadkatta P.S. Case No. 53 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at



liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent the concerned police station through the learned Trial Court.

10. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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