

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36731 of 2025

Arising Out of PS. Case No.-1241 Year-2024 Thana- COMPLAINT CASE District- Banka

Sumit Kumar Son of Late Rajendra Mandal Resident of Babu Tola, Idgah
Road, P.S- Banka Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Rani Wife of Late Tarkeshwar Ram village- Jagatpur, Ashramnagar, Ps
and Dist- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Sadanand Paswan, APP
For the Complainant	:	Mr. Vijay Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-06-2025 Heard Mr. Dhananjay Kumar Pandey, learned counsel
appearing on behalf of the petitioner; Mr. Sadanand Paswan,
learned APP appearing on behalf of the State and Mr. Vijay
Anand, learned counsel appearing on behalf of the Complainant.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1241 of 2024 registered under Section
376, 341, 504, 506/34 of the Indian Penal Code and Sections
3(i)(r) of the SC/ST Act but the learned court of A.C.J.M 1st
Banka has taken cognizance under Section 376 of the Indian
Penal Code.

3. As per the allegation made in the FIR, the petitioner
was in relationship with the complainant for nearly ten months.



The complainant is a widow having three children. Thereafter, the petitioner allegedly forced her to establish physical relationship on the assurance of marriage.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner has good relationship with the complainant and he is still ready to maintain the same relationship with her though the petitioner denies that he had given any assurance that he will marry with the complainant. Petitioner has clean antecedent.

5. Mr. Vijay Anand, learned counsel for the informant has vehemently opposed the prayer for grant of pre-arrest bail and submitted that petitioner has refused to marry with the complainant. The petitioner and his entire family members have misbehaved with the complainant and have also made objectionable video viral on social media. Petitioner don't deserve to be released on pre-arrest bail. Learned APP has also supported the argument on behalf of the complainant.

6. Having considered the rival submissions made on behalf of the parties, as well as, the desire of the petitioner that he is in a healthy relationship with the complainant and considering the said fact, this Court finds that the party may



have indulged into intimate relationship which was not objected from the very beginning by the complainant. This Court finds that the complainant had on her own lived with the petitioner.

7. In similar facts in the case of **Md. Naim Ahmed Vs. State of (NCT of Delhi), reported in 2023 SCC Online SC 89** the Hon'ble Supreme Court has granted bail to the accused Md Naim Ahmed as the petitioner has informed that he will maintain good relationship with the complainant. This Court finds that the petitioner deserved to be released on pre-arrest bail.

8. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned A.C.J.M., 1st Banka in connection with Complaint Case No. 1241 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in



paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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