

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39606 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- MAHILA P.S. District- Bhagalpur

Rahul Kumar S/o Arun Ray R/o Village- Topra, P.S.- Pirpainti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-06-2025 Heard learned senior counsel for the petitioner,
learned APP for the State and learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Bhagalpur (Mahila) P.S. Case No. 23 of 2025, dated 19.04.2025, lodged under Sections 69 & 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”) and under Sections 3/4 of the Dowry Prohibition Act.

3. As per the prosecution, the allegation is that the informant was initially friends with the accused, and gradually the friendship turned into a relationship, leading to a physical relationship since 2016. It is alleged that whenever the informant requested the petitioner for marriage, he would avoid the matter in one way or another. It has also been mentioned that the accused gave gifts to the informant with the intent to gain



her trust. Subsequently, the accused informed the informant that she should speak to his father regarding the marriage. However, when the informant's father approached the petitioner's father, the latter refused the proposal and allegedly started demanding dowry. Thereafter, the present case was lodged, in which both the petitioner and his father have been made accused.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Senior counsel further submits that the present case was lodged on 19.04.2025, but prior to that, a *Sanha* was filed by the petitioner's father, expressing apprehension that the informant might act maliciously, as his son had recently joined service.

5. Senior counsel further submits that although the case has been lodged under Section 69, the essential ingredients of Section 69, i.e., sexual intercourse by deceitful means or under a false promise of marriage, are not present in this case. It is further submitted that while the FIR acknowledges sexual intercourse, it was consensual and based on friendship and love.

6. In this background, senior counsel prays that the petitioner be granted anticipatory bail. It is also submitted that the petitioner has a clean criminal antecedent and is willing to comply with all conditions that may be imposed upon him.



7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that this is an extremely sensitive matter, wherein the petitioner developed a physical relationship with the informant by deceitful means. Counsel further submits that the informant is in possession of a series of chat messages exchanged between them.

8. It is further submitted that the denial of marriage came only after the petitioner joined service, and the same was due to the demand for dowry. Counsel also submits that the ingredients of Section 69 are clearly present in the present case, and therefore, the petitioner's bail application should be rejected outright.

9. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that, from a bare reading of the FIR, it transpires that the physical relationship was developed initially due to friendship and subsequently out of love between the parties.

10. As such, in the present facts and circumstances of the case, and considering the age of the petitioner, let the above-named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/-



(Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of A.C.J.M.- IX, Bhagalpur, in connection with Bhagalpur (Mahila) P.S. Case No. 23 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

11. It is made clear that any chats relied upon by the informant shall be produced by the informant during the course of trial.

(Dr. Anshuman, J.)

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