

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48953 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- Marnga District- Purnia

Nitish Kumar, Son of Arun Sharma, Resident of village-Jotalkhay, Police Station-K. Nagar (Maranga), District-Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Rakesh Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-11-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State duly assisted by learned counsel appearing for the informant.

2. The accused/petitioner seeks bail in connection with Special Case No.119 of 2025 arising out of Maranga P.S. Case No.67 of 2025 registered for the offences punishable under Sections 65 and 68 of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') as well as Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act').

3. The accused/petitioner is named in the FIR and is in custody since 25.03.2025.

4. Allegation against petitioner as per complaint



Case No.3 of 2025 preferred before the Special Judge, POCSO, Purnea, which is the basis of present FIR, is that petitioner committed rape upon her initially on false pretext of marriage and when she became pregnant, petitioner solemnized marriage with her and after marriage when she joined her matrimonial home, she was not accepted by her in-laws and a further demand of dowry for cash of Rs.10 lakhs was also raised by this petitioner.

5. It is submitted by learned counsel appearing for the petitioner that this is not a case where on false pretext of marriage, physical relationship was established. It is submitted that the complainant appears admittedly major as per complaint petition, where complaint itself disclosed that this petitioner has solemnized marriage with complainant and entire issue raised only when the complainant joined her matrimonial home, where she was not accepted by the parents of this petitioner. It is submitted that allegation to raise demand of dowry for cash of Rs.10 lakhs is only to aggravate the allegation. Moreover, it is submitted that the petitioner is ready to accept the complainant/informant as



wife and also the child. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has already submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Rakesh Kumar Jha, learned counsel for the complainant/informant while opposing the prayer of bail submitted that the complainant is also desirous to continue her matrimonial life with petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as petitioner *prima facie* solemnized marriage with complainant, where difference appears to surface due to demand of dowry and non-acceptance by in-laws, who now ready to accept the complainant and her child, coupled with the fact that investigation of this case is already completed, where petitioner, being a man of clean antecedent, remains in custody since 25.03.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned DASJ-6th-cum-Special Judge



(POCSO), Purnea in connection with Special Case No.119 of 2025 arising out of Maranga P.S. Case No.67 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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