

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50304 of 2025

Arising Out of PS. Case No.-158 Year-2025 Thana- KHAGAUL District- Patna

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Kumar Shwetank S/o Late Dinesh Kumar Resident of New Road Opposite
Golwara Hospital, Patna City, P.O.- Chowk, P.S.- Chowk, Distt- Patna, Bihar-
800008, presently residing at Kali Sthan, Saidpura, P.S.- Khagaul, Distt-
Patna, Bihar-801105

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajni Kant Singh, Advocate
For the Informant	:	Ms. Jyoti Kumari, Advocate
For the Opposite Party/s	:	Mr. Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 10-12-2025 Heard learned Counsel for the petitioner, learned

counsel for the Informant and learned Additional Public

Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Khagaul Police Station Case No. 158 of 2025,
disclosing offences under Sections 126(2), 115(2) and 69 of
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, as per the First
Information Report, is that the petitioner on the pretext of a
false promise of marriage, has exploited the informant
sexually, mentally and emotionally and established
continuous physical relationship with her. The informant



came in contact with the petitioner and they gradually developed a deep emotional connection with each other. The petitioner gave repeated assurance of marriage and upon that assurance, the informant accepted and started live-in relationship with the petitioner at a separate flat situated at Patliputra. It has also been alleged that the informant and the petitioner started live-in relationship after disclosure of their past life to each other and whenever the informant tried to back out, the petitioner used to emotionally blackmail her by cutting his hand and banging his head of which the informant has got a proof. The relationship started in the year 2019 and in the year 2020 when informant insisted for marriage, the petitioner took her to the temple and filled her parting on the head with vermilion and assured her for formal marriage. The informant conceived in the year 2022 and the petitioner in the beginning advised her to get the pregnancy aborted.

3. Learned counsel for the petitioner submits that the petitioner is 35 years of age and the informant is also major and her age is 31 years. Both were in live-in relationship since 2019 and the relationship continued for



about six years. The petitioner and the informant stayed in a separate flat at Patliputra and having consensual physical relationship for the last six years. When the petitioner came to know that the informant was a member of the honey trap syndicate and a huge amount of about Rs. 18 lakhs was taken on one pretext or other from the petitioner and was transferred in the bank account of the informant, the petitioner decided to part his way with the informant. There is no allegation in the FIR that from the very beginning, the intention of the petitioner was not to marry the informant. It was due to subsequent event that the petitioner refused to perform marriage. It has further been submitted that prior to entering into relationship with the petitioner in 2019, the informant had a pregnancy with another boy in 2017 which was aborted in a hospital and during course of investigation, the police collected the evidence regarding abortion done on the informant in 2017. When the petitioner came to know about the conduct of the informant and the fact that petitioner fell in a trap, the mother of the petitioner submitted a written report before the Khagaul Police on 04.05.2025 and subsequently on 07.05.2025, the mother of



the petitioner lodged detailed complaint before the D.G.P., Bihar. The FIR has been lodged by the informant on 05.05.2025.

4. On the other hand, Ms. Jyoti Kumari, learned counsel for the Informant vehemently opposed the prayer for anticipatory bail and submits that the petitioner by the deceitful means, allured the informant to enter into relationship and established physical relationship with the informant. On the basis of promise of marriage, the petitioner established physical relationship with the informant but the petitioner has not fulfilled the promise and when petitioner performed engagement with some other girl, the present FIR has been lodged. Accordingly, her submission is that petitioner does not deserve the privilege of anticipatory bail inasmuch as he is going to perform marriage with another girl after giving assurance/promise of marriage to the informant.

5. I have heard learned counsel for the parties and have gone through the materials on record including the FIR and the impugned order.

6. From perusal of the FIR, it appears that both



informant and petitioner were majors, aged about 31 years and 35 years respectively at the time of entering into relationship in the year 2019. Admittedly, relationship continued for fairly long period of six years. The reason for lodging FIR by the informant is that when the petitioner broken his promise of marriage with the informant. There is no specific allegation in the FIR that the from very inspection/beginning, the intention of the petitioner was not to marry the informant. The long drawn relationship between the informant and the petitioner including the fact that they continued for about six years in live in relationship in a separate rented accommodation, gives rise to the presumption that the relationship was based on valid consent and was consensual. If due to some subsequent development, the relationship between the petitioner and the informant was not working out and the petitioner refused to perform marriage that cannot be said that the physical relationship was established with deceitful means or by misrepresentation. Accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.



8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Danapur, in connection with Khagaul Police Station Case No. 158 of 2025, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita.

(Anil Kumar Sinha, J)

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