

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49877 of 2025

Arising Out of PS. Case No.-673 Year-2023 Thana- KUDHNI District- Muzaffarpur

Sakindra @ Sakindra Kumar son of Shri Vinod Ray Resident of Ward No. 14,
Ladvariya, Pakahi @ Asadpur Pakauli, P.S.- Kudhani, Dist-. Muzaffarpur,
State Bihar, Pin Code - 844112

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khushbu Kumari wife of Late Ranjaan Kumar Resident of Ward No. 14,
Ladvariya, Pakahi @ Asadpur Pakauli, P.S.- Kudhani, Dist-. Muzaffarpur,
State Bihar, Pin Code - 844112

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Adv.
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kudhani P.S. Case No. 673 of 2023, registered for the
offences punishable under Sections 420, 376, 313 and 323 of the
Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Allegedly, after the death of the husband of the
informant, her brother-in-law has established physical
relationship with her on the pretext of solemnization of
marriage. When the informant became pregnant, she was
aborted under the conspiracy of the petitioner with his mother. It
is also alleged that the accused persons were indulged in



demanding dowry for the marriage and she is also facing apprehension of causing death at their hand.

4. Learned Advocate for the petitioner referring to the FIR contended that admittedly the petitioner is none else but the brother-in-law and aged about 25 years. Even if the allegation taken to be true that was consensual in nature without there being any promise for marriage. But, later on, the informant and her family members started pressurizing to settle the marriage between both the informant and the petitioner and when the same was refused, the present FIR came to be instituted. He further submits that had the relationship been not consensual in nature, it would have been opposed by the informant, but the same has never been done. Moreover, the marriage of the petitioner has already been solemnized with another lady and he has been residing with her. It has further been informed that co-accused Banarshi Devi, who happens to be mother of the petitioner, has already been extended the privilege of anticipatory bail and now the victim has been residing with her parents.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that there is specific allegation of sexual exploitation of the informant at the



hands of the petitioner on the pretext of marriage.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, which *prima facie* suggest that the relationship between the petitioner and the informant was consensual in nature, coupled with the fact that the marriage of the petitioner has already been solemnized and now the victim has been residing in her parental home, apart from the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO, Muzaffarpur in connection with Kudhani P.S. Case No. 673 of 2023, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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