

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53183 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- MATIYARIA District- West Champaran

Kishandev Prasad @ Kishundev Prasad @ Kisandev Prasad S/o Late Bhulai
Mahato R/o vill - Serwa, P.s.- Matiyaria, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o Suresh Patwari R/o vill - Masjidwa, P.O. - Serwa, P.S. - Matiyaria,
Distt.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar, APP
For the Informant	:	Mr. Mirtunjay Kr. Mishra, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 28-11-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. A prayer for bail has been made on behalf of the
petitioner in connection with Matiyaria P.S. Case no.49 of 2025
registered under sections 69, 351(2) and 352 of the B.N.S, 2023.

3. The allegation in the F.I.R. is that the
informant/victim, aged about 28 years, had been in a
relationship with the petitioner for the past ten years. It is further
alleged that upon getting knowledge that the petitioner was
going to marry someone else, she approached the police,
whereafter the petitioner agreed to marry her. However, when
the preparations for the marriage were underway, the



petitioner's family members refused for the said marriage.

4. Learned counsel for the petitioner submits that it is evident from the F.I.R. itself that the informant is a major and had been in a relationship with the petitioner for the past ten years and the said marriage could not take place due to objections raised by the family members of the petitioner. It is further submitted that the allegation of establishing physical relations on the false pretext of marriage is incorrect and hence, no offence under Section 69 of the B.N.S. is made out in the background of a consensual relationship between two adults. The informant, being a major, was capable of making a conscious and informed choice to remain in the relationship. The petitioner surrendered on 27.05.2025 and has remained in custody since then and charge-sheet has been submitted.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant on the basis of allegations made in the F.I.R. Learned counsel for the informant emphatically submits that the petitioner does not deserve the privilege of bail, as he did not marry her despite having maintained a relationship with her on the false pretext of marriage.

6. Taking into consideration the aforesaid facts and



circumstances of the case, and also the fact that the matter pertains to a consensual relationship between two adults, also considering that there is a distinction between a false promise of marriage and a mere breach of promise and in the absence of any intention on the part of the petitioner, from the very inception, to deceive the informant or to avoid marriage, the ingredients of Section 69 of the B.N.S. are not attracted, coupled with the fact that petitioner is in custody since 27.05.2025 without any criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Matiyaria P.S. Case no.49 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned concerned Court where the case is pending/successor Court.

(Soni Shrivastava, J)

Harsh/-

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