

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50765 of 2025

Arising Out of PS. Case No.-80 Year-2025 Thana- SIKTI District- Araria

Lalu Kumar Singh S/o Sarvan Lal Singh R/o Village- Parariya, Ward No. 04,
P.S.- Sikti, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gopal Kumar Jha
For the Opposite Party/s	:	Mr. Ram Sumiran Rai
For the Informant	:	Mr. Madhur Jha
		Mr. Nishant Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 10-12-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Sikti Police Station Case No. 80 of 2025, dated 07.05.2025, disclosing offences under Sections 115(2)/118(1)/126(2)/76/69/352/351(2)/351(3) of the Bhartiya Nyaya Sanhita.
3. In the First Information Report the informant has alleged that for the last five years i.e. since 2020, the petitioner used to talk with the informant over phone and tell her that once the informant attains the age of 18 years the petitioner would marry her. When the informant attained the age of 18 years and asked the petitioner to perform



marriage, the petitioner made promise that he would marry her. From the year 2022, the petitioner started loving the informant a lot and on pretext of marriage, established physical relationship. When the informant insisted for marriage, the petitioner made excuses and used to say that if their relationship were disclosed to anybody he would not marry her. On 24.04.2025, the petitioner called the informant at his house saying that no family members were present. With much reluctance, the informant went to the house of the petitioner where the petitioner and his family members caught her, abused and assaulted her brutally. It has been alleged that the petitioner refused to marry with the informant.

4. Learned counsel for the petitioner submits that the relationship between the petitioner and informant continued for a fairly long period and even after attaining the age of majority by the informant in the year 2022. He next submits that the relationship between the petitioner and informant was consensual in nature and both were major at the time of establishing physical relationship. He further submits that there is no specific allegation in the First Information Report disclosing the fact that the



intention of the petitioner from very inspection was not to marry the informant.

5. On the other hand, learned counsel for the informant and State vehemently opposes the pray for anticipatory bail and submits that relationship between the petitioner and the informant started prior to the informant's attaining the age of majority. The relationship between both the parties started in the year 2020 when the informant was minor. The statement of the informant was recorded under Section 183 of the Bhartiya Nagrik Suraksha Sanhita, in which she has supported the prosecution story and has also stated that physical relationship was ongoing for last five years i.e. even before she attained the age of majority.
6. I have heard learned counsel for the parties and have gone through the materials available on record.
7. From perusal of the First Information Report it transpires that the informant has admitted that she used to talk with the petitioner on phone since 2020. There is no allegation in the First Information Report that prior to informant's attaining age of majority, the petitioner established physical relationship with her and it was after the year



2022 when the informant attained age of majority. The informant has alleged that physical relationship started and continued for the last three years. The First Information Report has been lodged after the petitioner refused to perform marriage with the informant and when petitioner's family members, who were also opposed to the marriage, assaulted the informant. In the First Information Report there is no specific allegation against the petitioner that from inception, the petitioner's intention was not to marry the informant. The relationship between the two continued for fairly long period of time. If due to some subsequent development, the relationship between the petitioner and informant was not working and the petitioner refused to perform marriage with informant that cannot be said to be an offence under Section 69 of the Bhartiya Nyaya Sanhita, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

8. This application is, accordingly, allowed.
9. 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) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First, Araria, in connection with Sikti Police Station Case No. 80 of 2025, subject to the condition laid down under Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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