

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51443 of 2025

Arising Out of PS. Case No.-178 Year-2023 Thana- MUFFASIL District- West Champaran

Lakhan Mukhiya @ Ramlakhan Mukhiya @ Ramlakhan S/O Dinanath Mukhiya @ Dinanath Bin Resident of Vill- Ghuraua, Ward No-43, P.S.- Muffasil Bettiah, Dist- West Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. Radhika Kumari D/O Suresh Mukhiya R/O Village-Lohiyariya, Ward no. 04, PS-Kumarbagh, Distt-West Champaran

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate Mr.Sitesh Kashyap, Advocate Mr.Raushan Raj, Advocate
For the Opposite Party/s :		Mr.Md. Aslam Ansari, APP
For the Informant	:	Mr.Shyamal Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-11-2025 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State duly assisted by Mr. Shyamal Prakash, learned counsel for the informant.

2. The accused/petitioner seeks bail in connection with Muffasil P.S. Case No. 178 of 2023 registered for the offences under Sections 376, 493, 313, 511, 420, 406 of the Indian Penal Code.

3. The accused/petitioner is named in the First Information Report and is in custody since 01.06.2025.

4. Allegation, as per Complaint Case No. 34/2023 filed before learned CJM, Bettiah, West Champaran, which is the



basis of the present FIR, is that petitioner, on false pretext of marriage, committed rape upon the complainant aged about 20 years old, out of which she became pregnant and delivered a baby who by time of lodging the complaint case, was six months old. Subsequently, petitioner refused to marry the complainant.

5. It is submitted by learned counsel appearing on behalf of the petitioner that due to certain confusion the present case was registered against this petitioner, which is now settled between the parties, and, thereafter, informant solemnized marriage with the petitioner and living happily their marital life.

6. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already completed, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State duly assisted by Mr. Shyamal Prakash, learned counsel for the informant, while opposing the prayer for bail of the petitioner, affirmed the factum of compromise as submitted aforesaid and fairly conceded that complainant and petitioner are living happily as wife and husband with their own child.



8. In view of aforesaid factual submission and by taking note of the fact as allegation of rape primarily appears to be raised in the background of false pretext of marriage, coupled with the fact that subsequently matter appears compromised between the parties, whereafter petitioner and complainant are living together as husband and wife with their child, where petitioner remains in custody since 01.06.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran/concerned court, in connection with Muffasil P.S. Case No. 178 of 2023, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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