

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54015 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Sadhu Kumar, S/o Mohan Bind, R/o Village - Gangudih, P.S - Chainpur,
District - Kaimur(Bhabua)

... .. Petitioner

Versus

1. The State of Bihar Bihar
2. Kavita Kumari, D/o Kashinath Bind, Resident of Village-Rupapatti, P.S.-
Chainpur, District- Kaimur

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Mishra, Advocate
For the State	:	Mr. Satya Nand Shukla, APP
For the Informant	:	Mrs. Anju Kumari Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-11-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel for the informant.

2. The accused/petitioner seeks bail in connection

with Mahila P.S. Case No.10 of 2025 registered for the

offences punishable under Sections 115(2), 126(2), 64, 352

read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (for short
'B.N.S.').

3. The accused/petitioner is named in the FIR and is

in custody since 02.06.2025.

4. As per FIR, the petitioner has alleged to commit



rape upon false pretext of marriage upon informant aged about 20 years.

5. It is submitted by learned counsel appearing for petitioner that during course of investigation, the statement of victim was recorded under Section 180 of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS'), where she categorically stated that she was in relationship with petitioner for long four years and her marriage was also solemnized on 23.04.2023 with one Akshay Kumar. It is submitted that thereafter a false and imaginary story was developed that this petitioner has visited the matrimonial home of the informant and brought the victim to her parental home upon assurance that he would marry him and forced her to obtained divorce from her husband. It is submitted that in fact the marriage of informant was solemnized against her will and, therefore, she refused to continue her matrimonial life with her husband and returned to her parental home. It is submitted that as she was in affairs with this petitioner prior to her marriage, just to force this petitioner to solemnize marriage with her, the present false case was lodged.



6. Arguing further, it is submitted that still the marriage of informant is subsisting legally with her husband and, therefore, the statement that she obtained divorce with her husband is completely false and just to aggravate the allegation. It is submitted that nothing can be gathered from the face of FIR, which may suggest that informant was not accessible to her husband during the period when she developed pregnancy. While concluding argument, it is submitted that 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 and moreover petitioner is a man of clean antecedent.

7. Learned APP duly assisted by learned counsel appearing for the informant vehemently opposed the prayer for grant of bail to the petitioner.

8. In view of aforesaid factual submissions and by taking note of fact as petitioner *prima facie* implicated on the basis of his affairs with informant prior to her marriage, coupled with the fact that investigation of this case is already completed, where petitioner, being a man of clean



antecedent, remains in custody since 02.06.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Bhabua, Kaimur in connection with Mahila P.S. Case No.10 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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