

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52896 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- MAHILA PS District- Katihar

Kishan Yadav @ Krishna Kumar Yadav S/O Late Prithvi Yadav R/O Village-
Kantakosh, P.S.- Manihari, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-08-2025 Heard Mr. Praveen Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Rajendra Nath Jha,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 12 of 2025 registered under Section
64(1) of the BNS.

3. As per the allegation made in the FIR, petitioner
made physical relation with the informant on the false promise
of marriage, and, thereafter, refused to marry.

4. Learned counsel appearing on behalf of the
petitioner submitted that when the relationship developed
between both the parties, they were major. From perusal of the
F.I.R., it is apparent that both the parties were in relationship for
quite some time and enjoyed each other's company for months



together and indulged in sexual act and as such, it cannot be said to be induced or involuntarily. The relationship was consensual. Petitioner has clean antecedent. On these grounds the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. The Apex Court has observed that “the complainant was very much capable of understanding the consequences of her action and if the relationship is not working out, the same cannot be ground for lodging an F.I.R for the offence under Section 376 of I.P.C” in case of **Naim Ahmed Vs. State (NCT of Delhi)**, reported in **2023 SCC Online SC 89** and in the case of **Sonu @ Subash Kumar Vs. State of Uttar Pradesh & Anr.**, reported in **2021 AIR SC 1405**.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Sub-Divisional Judicial Magistrate, Katihar/successor Court in connection with Mahila P.S. Case No. 12 of 2025, subject to the condition as laid down under



Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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