

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.54430 of 2025**

Arising Out of PS. Case No.-909 Year-2024 Thana- ROHTAS COMPLAINT CASE District-  
Rohtas

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Rahul Pandey @ Rahul Kumar Pandey @ GolU @ Rahul Kumar S/o- Late  
Sudama Pandey villalge- Bhanpur P.S.-Dinara District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Ali W/o- Late Jasover Ali Marhum Moh- Mali Kudra Ps- Kudra  
Dist- Kaimur at Bhabua

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Varun Kumar, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
ORAL ORDER

4      13-10-2025                      1. Heard learned counsel for the petitioner, learned  
A.P.P. for the State and the learned counsel appearing on behalf  
of the complainant.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 115(2),  
316(2), 352 of the B.N.S., 2023.

3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent and the complainant  
alleges that on 03.07.2024 she was married to the petitioner and  
thereafter she converted to Hinduism, it is next alleged that  
petitioner allegedly took Rs.9.5 lacs from the complainant's  
insurance amount, promising to invest the same in share-market,  
however when the complainant asked the petitioner to return the  
amount, she was abused and petitioner eventually left her, it is



next alleged that petitioner had given a written assurance on stamp paper to return the amount but failed to do so and also married Dimple Kumari on 26.02.2024 for which a panchayati was held to resolve the dispute but petitioner refused to return the money nor was ready to get his second marriage declared void.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the complainant. It is next submitted that from perusal of the allegation as alleged in the complaint, it would manifest that complainant alleges that she was married to the petitioner on 03.07.2024 and thereafter converted her religion to Hinduism. It is next submitted that complainant was earlier married to Tasovar Ali who died on 24.04.2022 and from the said wedlock, complainant had two children. It is next submitted that petitioner never married the complainant. It is also submitted that the complainant instituted a Complaint Case under Sections 81, 82(2), 83, 85, 115(2), 316(2), 351(3) and 352 of B.N.S. but then the learned Magistrate after examining the complainant on oath along with her witnesses took cognizance of the offence under Sections 115(2), 316(2) and 352 of the B.N.S. as such cognizance was not taken under Section 85



B.N.S., hence it cannot be presumed for the present that petitioner and the complainant are married. It is also submitted that though complainant alleges that she gave an amount of Rs.9.5 lacs to the petitioner but then it is submitted that petitioner has obtained the status of the bank account of the complainant and from perusal of the same, it would manifest that the money was credited in the account of one Arvind Kumar Singh with whom petitioner has no connection.

5. Learned counsel appearing on behalf of the complainant opposes the anticipatory bail application of the petitioner but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that cognizance was not taken by the learned Magistrate under Section 85 B.N.S. and that the money was credited in the account of Arvind Kumar Singh and not in the account of the petitioner. The learned counsel for the complainant next submits that though the amount was credited in the account of Arvind Kumar Singh but then Arvind Kumar Singh used to withdraw the money and give it to the complainant in cash and the complainant thereafter gave the amount in cash to the petitioner. The said submission of the learned counsel appearing on behalf of the complainant is rebutted by the learned counsel appearing



on behalf of the petitioner and submits that the submission is far fetched. The learned counsel for the complainant next submits that petitioner had given a written assurance on stamp paper that he will return the amount, on which, the learned counsel appearing on behalf of the petitioner submits that the said submission is denied but if petitioner had given written assurance on stamp paper, in that event, the complainant should approach a court of competent civil jurisdiction for getting the issue adjudicated.

6. After hearing the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No.909/2024, subject to the conditions as laid down under Section 482(2) B.N.S.S.

**(Satyavrat Verma, J)**

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