

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62177 of 2025

Arising Out of PS. Case No.-270 Year-2025 Thana- BATHNAHA District- Sitamarhi

Manish Kumar Son of Vikram Singh @ Bikram Singh Resident of Village-
Harpur Bhalaha, P.S.- Bathnaha, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raushni Devi Wife of Mahesh Singh R/o Village - Harpur, P.S. - Bathnaha,
Dist. - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Jha
For the Opposite Party/s	:	Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 64 of the BNS.

3. As per F.I.R., the marriage of the complainant was solemnized in the year 2005 with Mahesh Singh and after *bidagari*, she started living with her husband at her sasural and out of wedlock, she gave birth to a son who is at present aged about 14 years. Her husband is a contractor and living at Patna. It is further alleged that her cousin *Devar* namely, Manish Kumar started visiting her house and 06 years ago, he forcibly committed rape when she was alone in her house and



threatened her not to disclose the ordeal to anyone. It is further alleged that accused several times committed rape upon the complainant and due to which she became pregnant. It is further alleged that after knowing about the said occurrence, her husband ousted the informant/victim from his house then her mother took the informant to her house. It is further alleged that she gave birth to a child who is at present 06 years old. It is further alleged that neither accused solemnized marriage with her nor stop making illicit relation. It is further alleged that accused always threaten to kill informant and her child.

4. Learned counsel for the petitioner submits that from perusal of the F.I.R., it appears that the complainant is a married lady and a mother of 14 years old son. As per the complaint, six years ago, this petitioner established physical relationship with the complainant and continued to indulge in sexual act. The relationship was consensual as both the parties were adult. The informant was very much capable of understanding the consequences of her action and simply because the relationship could not work out, it will not give rise to institution of F.I.R. The act of repeated intimacy and sexual relations cannot be said to be under any force or misconception. Failed



relationship cannot amount to rape.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the aforesaid facts & circumstances, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sitamarhi, in connection with Bathnaha P.S. Case No. 270 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023.

(Prabhat Kumar Singh, J)

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