

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71038 of 2024

Arising Out of PS. Case No.-42 Year-2023 Thana- MAHILA P.S. District- Araria

Siken @ Sikendra Paswan S/O Late Bhoganand Paswan Resident of Village-
Rampur, P.S- Raniganj, Distt.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. rita devi kumari D/O Mahanand Paswan@Mahanand vill-Hayatpur p.s.
Araria R.S DistAraria pin 854311 bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Adv.
For the State	:	Mr. Md. Mushtaque Alam, APP.
For the Informant	:	Mr. Vijay Kumar, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

6 05-05-2025 Heard learned counsel for the petitioner, learned APP for
the State and learned counsel appearing for the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
313, 376, 504, 506, 34 of the Indian Penal Code.

3. A bare perusal of the FIR would go to show that the
informant had separated from her husband after taking divorce
and thereafter, she came into contact with the petitioner who
took 1.5 lacs from the informant and made physical relationship
with her on several occasions on the pretext of marriage due to
which the informant even got pregnant and thereafter, got her
pregnancy terminated. It is further alleged that the petitioner



later refused to marry the informant.

4. Learned counsel for the petitioner submits that the allegations made in the FIR are not correct and as a matter of fact, the lady was already married once and it was due to some money transaction that the petitioner has been made an accused in a case of this nature. This fact has also been supported by a petition dated 11.09.2024 (Annexure P/2) filed on behalf of the informant in which she has accepted that there was some money transaction regarding dispute between her and the petitioner due to which such a case was filed. She has denied that neither there was any false promise of marriage nor any physical relationship was established with her. It is further submitted that during the course of the investigation, the statement of victim has been recorded under Section 164 Cr.P.C., wherein she has stated that the petitioner had established physical relationship with her on the pretext of marriage by calling her at different places. It appears from such allegations that the informant, being a major, had made a conscious and an informed choice of going to places to meet the petitioner and no threat or coercion was employed. The medical examination report of the informant, also a part of the case diary, goes to show that there was no external injury



including the private part and no spermatozoa was also found died or alive and hence, it was stated that there was no sign of any sexual assault.

5. Learned counsel appearing for the informant also supports the fact that the present case has been filed under some confusion and the matter only related to some money transaction.

6. Considering all the above mentioned facts and circumstances, I am inclined to grant the privilege of anticipatory bail to the petitioner who has no criminal antecedent. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Araria in connection with Mahila P.S. Case No. 42 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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