

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68948 of 2025

Arising Out of PS. Case No.-190 Year-2024 Thana- WARISNAGAR District- Samastipur

Mithilesh Kumar @ Mithlesh Kumar Son of Siyaram Mahto Resident of
Village - Bujurg Dwar, Police Station - Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-11-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Warisnagar PS Case No. 190 of 2024 instituted for the offences under Sections 126(2), 115(2), 69 & 3(5) of the Bharatiya Nyaya Sanhita, 2023. Earlier vide order dated 20.03.2025, passed in Cr. Misc. No. 89428 of 2024, anticipatory bail of the petitioner was rejected by a Co-ordinate Bench of this Court.

3. Prosecution case, in short, is that the petitioner allegedly had sexual relationship with the informant on the pretext of false promise of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. The petitioner is in custody since 11.06.2025 and has no criminal antecedent. On recovery, the statement of the victim has been recorded under Section 183 of the BNSS, in which it is absolutely clear that informant and petitioner was in love affair. The petitioner is alleged to have established physical relationship on the assurance of marriage. Subsequently, for one reason or the other, the marriage could not be solemnized and for the said reason, the present case has been instituted. Learned counsel for the petitioner has further placed reliance on cases of the Hon'ble Supreme Court since reported in ***2018 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors)*** and ***(2019) 9 SCC 608 (Pranod Suryabhan Pawar vs. The State of Maharashtra and Ors.)***.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Charge sheet has already been submitted in this case under Sections 126(2), 115(2) & 69 of the Bharatiya Nyaya Sanhita, 2023.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of***



charge, if not already framed, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Warisnagar PS Case No. 190 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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