

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76834 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- Patour District- Darbhanga

Chandan Kumar Sah S/O Chote Sah R/O Village- Ram Bhadrapur, P.S- Pator,
Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Silky Kumari D/O Dip Narayan Choudhary R/O Village- Rambhadrapur,
P.O- Madanpur, P.S- Pator, Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv
For the Informant : Mr.Kedar Jha, Adv
For the State : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 05-05-2025 Heard learned counsel for the petitioner, learned
counsel for the Informant and the state.

2. Petitioner apprehends his arrest in connection with
Pator P.S Case No. 82 of 2024 registered for the offences
punishable under sections 64,81 and 89 of the BNS Act.

3. The prosecution case in the first information report
is that the informant was in relationship with the petitioner for
two years and during this period several times physical relation
was made with her without her consent and upon her pressure,
the petitioner tied mangalsutra and exchange garlands on
13.07.2022. On January 2024, the informant became pregnant
and upon refusal of marriage by the petitioner the informant was



married to someone else. Later on the said marriage was also broken on mutual consent on 12.02.2024. The informant came back to her parent's house. It is further alleged that thereafter, the petitioner again forced her to have an abortion and once again assured her of marriage. Thereafter, on 08.03.2024, she went along with the petitioner to DMCH, Darbhanga and got the abortion done. Further allegation is that on 25.07.2024, the petitioner finally refused the marriage and two months thereafter, the present case was lodged.

4. Learned counsel for the petitioner submits that a perusal of the FIR itself, would make it apparent that the informant is 26 year old lady and she was in a consensual love relationship with the petitioner. The further submission is that when the things did not work out between the parties, the informant married someone else and subsequently, after breaking that marriage came back to the petitioner. It is also a fact that the present case was filed, even as according to the informant, two months after the denial of marriage by the petitioner. Learned counsel for the petitioner thus submits that no case under section 64 of the BNS would be made out against the petitioner as there was consensual relationship between the informant and the petitioner and she entered into a



relationship, which was her conscious and informed choice being an adult. There was no force or coercion on behalf of the petitioner and the false promise to marry is not made out. In view of the fact, that the petitioner had, even as per her allegation put mangalsutra and garland in the neck of the informant and hence it cannot be said that he never intended to marry the informant. However, it is submitted that subsequent development in the life of informant of getting married to a different person changed the scenario whereafter the petitioner was not inclined in getting married to the informant. So far as the allegation of abortion is concerned, the DMCH, discharge slip itself goes to show that the same was done on persistent request and the informant has admitted that she had gone along with her husband for getting the same done.

5. The learned APP for the State and learned counsel for the informant vehemently oppose the grant of anticipatory bail on the ground that establishing physical relationship without consent and subsequently going back on the promise of marriage is made out as per the allegations.

6. Taking into consideration the facts that it is a case of consensual and long standing relationship between two adults and the informant had made a conscious and informed choice



with regard to her relationship, I am inclined to grant privilege of anticipatory bail to the petitioner. accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate,1st, Darbhanga in Pator P.S. Case No. 82 of 2024, subject to condition as laid down under section 438(2) of the Cr.PC and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

N.K/-

U		T	
---	--	---	--

