

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80802 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- MAHILA P.S. District- Patna

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Ramnath Kumar S/o- Narendra Kumar Resident of Bankipur Gorakh Fatwah
Patna Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nishu Kumari D/o- Arun Shaw R/o- Lohanipur West, Kathpul Hunterwala
Road Ps- Kadamkuan Dist- Patna

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Amit Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP
For the O.P. No. 2 : Mr. Deepak Kr. Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 422-04-2025
1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case no.31 of 2024 registered under Sections
376, 323, 341, 506 and 34 of the Indian Penal Code and Section
66E of the I.T. Act.

3. As per the prosecution case, the informant states
that the petitioner, on a false pretext of marriage took her to
different places and established physical relationship with her.
She further states that on 17.11.2021, the petitioner had taken



the informant to Gauri Sankar Temple, Patna for taking out the date for the marriage but on that date, the informant did not have a valid Adhar Card/voter I.D. Card and due to which the Temple Management refused to get marriage solemnized. She further states that on 04.03.2022, there was a further proposal on behalf of the petitioner for performing marriage at Deo Ghar Baba Dham Temple and jewellery etc., was also purchased by the petitioner. She further alleged that on 09.05.2023, the informant was further called by the present petitioner to go to Deo Ghar Baba Dham Temple but he did not come there and his mobile was also switched off. Hence, the F.I.R.

4. Learned counsel for the petitioner submits that the averments made in the F.I.R itself make it very apparent that the petitioner and the informant are both majors and were in a love relationship. If at all, physical relationship was established that was purely consensual and no force has been exercised on behalf of the petitioner for the same. The allegations also discloses that there was a *bona fide* intention on the part of the petitioner to get married to the informant but the same could not happen due to reasons beyond the control of the petitioner. Learned counsel further submits that other allegations made in the F.I.R are false and concocted and purely ornamental in



nature.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant by stating that the informant has been exploited by the petitioner on the false pretext of marriage and hence, the petitioner has committed a serious offence.

6. Considering the entire facts and circumstances of the case, it appears that the relationship between the petitioner and the informant was consensual in nature and subsequently despite cause of action having been arisen on 09.05.2023, the instant F.I.R was lodged on 03.04.2024 only for the purpose of harassing the petitioner and forcing him to get married to the informant.

7. In view of such consensual relationship between the two adults which continued over a period of time, it is directed that the petitioner, above named having no criminal antecedent in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Mahila P.S. Case no.31 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna,



subject to the condition laid down under Section 438(2) of the
Code of Criminal Procedure/Section 482(2) of the B.N.S.S,
2023.

(Soni Shrivastava, J)

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