

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73972 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- KHUTAUNA District- Madhubani

Dhirendra Kamat @ Dhirendra Kumar Kamat S/O Mukhindar Kamat R/O
Village- Khutauna, Nawatoli, P.S.- Khutauna, Distt.- Madhubani, State- Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. X S/O Y R/O Village- Khutauna, Nawatoli, P.S.- Khutauna, Distt.-
Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pintu Kumar Patel, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with Khutauna

P.S. Case No. 108 of 2025 registered for the offences under

Sections 64, 89, 126(2), 115(2), 303(2), 352, 351(2), 3(5)

of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The petitioner is named in the First Information

Report and is in custody since 15.07.2025.

4. As per FIR, petitioner committed penetrative

sexual assault upon the minor daughter of the informant aged

about 17 years.



5. It is submitted by learned counsel appearing on behalf of the petitioner that even as per FIR, the victim was in relation with petitioner much prior to this occurrence and when for any of the social reason, marriage of the daughter of informant could not solemnized with this petitioner, the present false implication was raised. It is further submitted that date of occurrence also not appears specified through FIR.

6. It is submitted that corporeal relations as established on the false pretext of marriage cannot be termed as rape and in support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Pramod Suryabhan Pawar Vs. State of Maharashtra & Anr.** reported in **(2019) 9 SCC 608**.

7. While concluding argument, learned counsel submits that petitioner is a man of clean antecedent, and moreover, investigation of this case is already completed, for which charge has been submitted, and as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.



9. In view of aforesaid factual submission and by taking note of the fact as allegation of rape/penetrative sexual assault appears *prima facie* to be raised in the background of love affairs, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 15.07.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO, Madhubani/concerned court, in connection with Khutauna P.S. Case No. 108 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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