IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72268 of 2025

Arising Out of PS. Case No.-183 Year-2025 Thana- DEHRI TOWN District- Rohtas

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Govind Kumar @ Govinda Kumar S/O Ganga Singh R/O Village- Haldi Bighha, P.S.- Nasariganj, Dist.- Rohtas At Sasaram

... ... Petitioner/S

Versus

The State Of Bihar

... ... Opposite Party/S

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Appearance :

For the Petitioner/s : Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioner and the State .

2. Petitioner apprehends his arrest in a case registered for the offence punishable under sections 69, 318(4), 303(2), and 3(5) of BNS.

3 . As per F.I.R. informant namely , Vibha Kumari alleged that after the death of her husband on 21.12.2023, the

petitioner gradually entered into the life of the informant under the pretext of offering help and support to her and her minor son . It is further alleged that petitioner gained the trust of the informant and established physical relationship with her on multiple occasions, on the pretext of marriage and the relationship between the informant and the petitioner continued from 25.07.2024 to 14.03.2025 . Thereafter, when the informant asked the petitioner to solemnize marriage by Holi 2025 but petitioner started avoiding her and mainting distance with her. It is further alleged that the petitioner also induced the informant to transfer huge amount of money from her Pay Phone account to his relatives and associates, i. e ,. Rs. 1,10,000/-was paid to his uncle, namely Vijay on 18.02.2025 and 19.02.2025 and Rs. 65,000/- was paid to his friend, namely Pradeep Kumar, on 21.02.2025, with the assurance of returning the same . However, no such amount was repaid by petitioner to informant. It further alleged that on 13.04.2025 , petitioner last visited to the house of the informant and thereafter absconded. It is further alleged that on 22.04.2025, upon opening her cupboard locker, the informant found that her gold jewellery items amounting to Rs. 5,40,000/- approximately was stolen by the petitioner. It further alleged that after the aforesaid incident, the petitioner switched off his mobile phone and absconded from his place of residence .

4. Learned counsel for the petitioner contended that petitioner is innocent and has falsely been implicated in this case . Petitioner was working as District Resource person (Zila sansadhan sevi) at District Industries Centre, Rohtas. In the year 2022 , informant and her husband came to the District Industries Centre, Sasaram for a loan to establish a manufacturing unit. During the processing of the loan documents, the informant and her husband met with the petitioner frequently and developed a good relation with him. The husband of the informant was diagnosed with severe heart disease and informant sought financial help from petitioner for the treatment of her husband and accordingly, petitioner gave an amount of Rs. 16 lakhs as a help to informant. Unfortunately, the husband of the informant died on 21.12.2023 . After sometime , when this petitioner asked the informant to return the aforesaid money to which the informant replied that she did not have the money and hence she offered to give a cheque and acknowledgment of the money she owed to the petitioner and hence executed 25.02.2024 an acknowledgment dated 25.02.2024 i. e,. Annexure – P2 to the bail petition . It is further contended that petitioner was also a

Proprietor of a firm named Shiv Shakti Trading and informant requested the petitioner to get some manufacturing machines in the name of the firm of the petitioner which she would install in her manufacturing unit and would repay the amount from the profits and also return the loan amount which she is taking from the bank which would get credited in the name of the firm of the petitioner.

5 . It is further contented that petitioner, in order to help the informant, and also in a hope that his money would be repaid by the informant, he procured the machine from M/s Star Traders, Araria, Bihar, for installation of the same in the firm of the informant named Aditya Enterprise and booked it in the transport with instruction to the informant to pay for it and get the delivery from the transporter but informant refused to take the delivery of the machines which caused huge loss to the petitioner. Informant also instituted a Consumer Complaint Case No. 27/2025 before the District Consumer Dispute Redressal Commission Rohtas at Sasaram against the petitioner and his firm alleging that the loan amount which she got for purchase of the machine was defalcated by the petitioner, while the fact remained that the machine was duly purchased and is still with the transporter which the informant deliberately did not received

to make the payment. Though the consumer case was instituted by the informant, after institution of the FIR but in the consumer complaint, the informant has portrayed the petitioner as a complete stranger and has narrated a different story . When the petitioner, presented the cheque given by the informant, it was dishonoured due to incomplete and illegible signature of the informant. Petitioner got a legal notice sent to the informant under section-138 of the Negotiable Instrument Act, which was not replied by the informant and thereafter, this petitioner instituted Complaint Case No. 462/2025 against the informant for the offence of cheating and dishonour of cheque and in retaliation , informant instituted this false and fabricated case only to avoid making aforesai payment to the petitioner and also to coerce the petitioner to not take any steps for recovery of the amount owed by informant. The informant is aged about 36 years and the petitioner is aged about 27 years.

6. It is lastly contented on behalf of this petitioner that even if the entire prosecution case is assumed to be true , no case of rape is made out against this petitioner. As per complaint, complainant was a widow and she was in longstanding relationship with this petitioner who allegedly promised to marry her based on the said promise informant

entered into physical relationship for several years and thereafter, refused to marry her. It goes to show that physical relationship between the petitioner and informant was consensual from the very beginning of relationship . There is nothing on record to suggest that there was any dishonest inducement or incitement on the part of the petitioner to establish physical relation with informant. It is further contented that both parties were in relationship and enjoyed each other's company, and indulged in sexual act for years together and as such , it cannot be said to be induced or involuntarily .

7. Learned counsel for the State opposed the bail petition .

8 . Considering the fact that both the parties were major when the relationship developed between them and informant was well aware of such relationship and its consequences and as such, the same will not amount to any criminal offence and other circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate Dehri (Rohtas) in connection

with Dehri (Town) P.S. Case No. 183 of 2025 , subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita , 2023 .

(Prabhat Kumar Singh, J)

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