

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72922 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- MAHILA P.S. District- Siwan

Saurabh Shekhar @ Saurabh Sekhar @ Saurabh Kumar son of Vijay Kumar
Maharaj Resident of Village- Shadipur, P.S.- Goreya Kothi, Dist- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Kumari Daughter of Kishun Yadav Resident of village- Dalhi tolla,
Shadipur, Ps- Goreya Kothi, Ps- siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Jha, Advocate.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-11-2025 1. Heard learned counsel for the petitioner Mr. Sumit
Jha and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 65(1), 69
of the B.N.S. and Sections 4,6 of the POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that petitioner was establishing physical relation since
she was 15 years of age and had even video-graphed the
occurrence and used to threaten that video would be made viral
and under threat the petitioner started establishing physical
relation, further the informant since 2017 was pressurizing the



petitioner to marry her but he used to wad up the proposal on the ground that she was a minor but petitioner in the year 2017 itself put vermilion on her forehead and indulged in establishing physical relation, further in the year 2020, when she attained majority, petitioner refused to marry and got engaged with a different woman on 30.04.2025 and date of marriage is fixed for 08.05.2025.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that petitioner stated establishing physical relation with her when she was a minor aged about 15 years and in the year 2017 she pressurized the petitioner to marry her but he wad up the proposal on the ground that she is a minor. It is next submitted that no doubt the petitioner and the informant were in a relationship but then the relationship was consensual and even petitioner wanted to marry the informant but then the informant on 18.05. 2017 got married to one Chandeshwar Yadav, son of Ram Shankar Yadav, resident of village-Tarbirva, P.S. Gopalganj, District-Gopalganj, as would manifest from the letter of the Ward Member certifying the marriage, annexed as



Annexure-3 to the anticipatory bail application. The learned counsel for the petitioner next submits that since informant got married to one Chandeshwar Yadav in the year 2017 itself, that in itself demonstrates that informant was a major. It is next submitted that it appears that some dispute had arisen in between the informant and her husband, as such, she again started approaching the petitioner and when the marriage of the petitioner was fixed the instant false case came to be instituted.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that a pleading has been made at Para-10 of the anticipatory bail application that informant was married to Chandeshwar Yadav, based on a letter issued by Ward Member but that in itself would not be a proof enough of marriage of the informant with Chandeshwar Yadav, on which, the learned counsel appearing on behalf of the petitioner asserts and submits that petitioner is aware of the consequences which would entail in the event if the petitioner obtains anticipatory bail by misleading the Court.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Siwan Mahila P.S. Case No.43/2025, subject to the conditions as laid down under Section 482(2) B.N.S.S.

7. However, it is made clear that if informant has not married Chandeshwar Yadav as pleaded at Para-10 of the anticipatory bail application, in that event, the informant would be at liberty to file an application seeking cancellation of anticipatory bail granted to the petitioner.

8. Let a copy of this order be handed over to the learned counsel appearing on behalf of the informant before the learned trial court.

(Satyavrat Verma, J)

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