

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73222 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- MAHILA P.S. District- Bhagalpur

Dharmendra Kumar S/o Jangli Sah R/o vill - Khudiban Middle School, P.S.-
Piri Bazar, Distt- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Rajdeep, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his/her arrest in connection with Mahila P.S. Case No. 15 of 2025, dated 31.03.2025, registered under Sections 81 and 115(2) of the B.N.S. corresponding to Section 493 and 323 of the I.P.C.

3. The prosecution case, in brief, is that the alleged husband of the informant namely Dharmendra Kumar is brother-in-law of her cousin-brother, namely Vinod Kumar Sah. The petitioner/Dharmendra Kumar is having love affair with informant for the last 11 years and he used to have physical relationship on the pretext of promise of marriage. It is further alleged that the petitioner married with the informant before Notary Public on 22.03.2023 and kept her in a rental house at



Patna for eight months and used to give her some money required to meet the daily needs. It is next alleged that when the petitioner came to see her on 24th February, 2025 at 07:00 P.M., informant was assaulted by the petitioner during the physical relationship and when she insisted to take her with him, he refused. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that accused/petitioner, who is said to have established physical relationship with the informant, on the false pretext of marriage is a major and was also aware of the consequence and it has been held by the Hon'ble Apex Court in the case of *Ansaar Mohammad Vrs. The State of Rajasthan & Anr.*, passed in *Criminal Appeal No. 962 of 2022 @ SLP (Crl.) No. 5326 of 2022*, *Naim Ahamed Vrs. State (NCT of Delhi)*, reported in *2023 SCC OnLine SC 89* and *Amol Bhagwan Nehul Vrs. State of Maharashtra & Anr.*, reported in *2025 SCC OnLine SC 1230*, it has been held that while being aware of such consequences, if such acts are committed, then no criminality could be found out in such relationship.

5. From the F.I.R. itself it appears that the informant was major at the time when the case was registered and the informant is said to be in relation with the accused person/petitioner for last 11 years and during these periods both the accused /petitioner as



well as the informant had stayed at various places and the petitioner had been maintaining her by providing requisite financial resources. During these periods, they have established physical relationship and when the informant insisted to marry and take her to his house, she was assaulted by the petitioner.

6. The informant has appeared in this case and has filed counter affidavit and submits that the petitioner established physical relationship for the first time while she was minor and continued till the date of registration of F.I.R., for altogether 11 years. On pressurizing to marry and take her to his house she was assaulted by the petitioner.

7. Learned Additional Public Prosecutor for the State has opposed the prayer for bail of the petitioner.

8. Considering the nature of allegations and the petitioner, who is said to be major and as also in the backdrop of nature of allegations of having been in relation for 11 years, let the above named petitioner, be released on anticipatory bail, in the event of his/her arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned A.C.J.M-IX, Bhagalpur in connection with Mahila P.S. Case No. 15 of 2025,



subject to the condition as laid down under Section 482 of the B.N.S as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner (s) who shall provide official document to show his/her bona fide;

(ii) the petitioner (s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner (s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner (s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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