

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79369 of 2024

Arising Out of PS. Case No.-352 Year-2024 Thana- PUPRI District- Sitamarhi

Aditya Kumar @ Aditya Chaudhary @ Bittu S/o Ashok Kumar Chaudhary
R/o vill - Mahamadpur, P.S. - Bajbatti, Distt. - Sitamadhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s	:	Mrs. Pushpa Sinha, APP
For the Informant	:	Mrs. Shweta Priya, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 28-04-2025 Heard Mr. Ajay Kumar Thakur, learned counsel
for the petitioner, Mrs. Shweta Priya, learned counsel appearing
on behalf of the informant as well as Mrs. Pushpa Singh,
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with G.R. No. 929 of 2024 arising out of Pupri P.S. Case No. 352 of 2024, F.I.R. dated 27.08.2024 for the offences punishable under Sections 69, 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita.

3. According to prosecution case, this petitioner on false pretext of marriage established physical relation with the victim. It is further alleged that though they performed marriage in a temple but later on the petitioner started demanding Rs. 20



lakhs for performing marriage openly with the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. As per allegation in the F.I.R, the informant alleged that since 2021 the petitioner regularly used to talk to her and on the pretext of marriage, he has established physical relation with the informant. He further submits that the informant has alleged that they have performed marriage in a temple at Ucchaith Sthan. He further submits that from perusal of the F.I.R, it transpires that the victim was major and there was consensual relation between the parties and the informant herself stated that she has performed marriage with the petitioner and in this view, no case is made out under Section 69 of the Bhartiya Nyaya Sanhita. From perusal of the statement of the victim recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS in which she has stated that she got married with the petitioner in Darbhanga whereas according to the F.I.R, the marriage took place in Ucchaith Sthan which is in Madhubani district. Apart from that the family member of the petitioner has lodged the representation before



the higher officials and father of the petitioner has also filed informatory petition before the Sub Divisional Judicial Magistrate, Pupri, Sitamarhi on 17.08.2024 before the filing of the present F.I.R. Apart from the aforesaid, the medical report of the victim suggests that the victim was major and the date of birth of the victim as per the Aadhar Card is 20.08.2003 which suggest that at the time of occurrence, she was major.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that on the false pretext of marriage the petitioner had made physical relation with the informant and thereafter, he demanded Rs. 20 lakhs for performing marriage. Apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, medical report of the victim as well as statement of the victim recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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, Sitamarhi in connection with G.R. No. 929 of 2024 arising out of Pupri P.S. Case No. 352 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

