

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81153 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- MAHILA PS District- Buxar

Sudhir Raj @ Sudhir Yadav S/o Pramod Yadav Resident of village- Pinjaur,
P.O.- Paras Bigha, P.S.- Jehanabad, Distt- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Shabana Khatoon D/o Md. Akbar Ali Raiyan R/o Vill- Nalbandh Toli, Ward NO. 26, P.S.- Buxar Town, Distt- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohit Shriwastava

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 08-12-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Buxar Mahila P.S. Case No. 26/2025 G.R. No. 1472/2025 dated 16.05.2025 registered for the offences punishable under Sections 115(2), 318(4), 85, 303(2), 61(2) and 352 of the B.N.S. and Sections 3 & 4 of the D.P. Act.

3. As per the prosecution case, the informant has alleged that the petitioner committed rape on her by enticing her and thereafter married her to conceal the crime. It is also alleged that the petitioner has physically and mentally tortured the informant and has ousted her from the matrimonial home.



Further, the petitioner tried to kill the informant and her child by administering poison to them.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is running his orchestra namely, Jhankar Orchestra and the informant was working there as a dancer. The petitioner neither demanded any dowry nor tortured the informant. The petitioner is the husband of the informant. The petitioner has not committed any rape on the informant earlier. The petitioner has relied upon the judgment of this Court in the case of **"Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182."** Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal Appeal No(s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023.** The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Buxar in connection with Buxar Mahila P.S. Case No. 26/2025 G.R. No. 1472/2025 subject to conditions as laid down under section 482(2) of the B.N.S.S, with further condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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