

Arising Out of PS. Case No.-118 Year-2025 Thana- CHHAURADANO District- East
Champanan

... .. Petitioner/s

Versus

- Opposite Party/s

For the Opposite Party/s : Mr. Shailendra Kumar, APP

6 22-06-2026 Heard learned counsel for the petitioner and the
State .

2. Petitioner apprehends his arrest in a case registered for the offence punishable under sections 376, 420/34 I.P.C.

3 . As per F.I.R. the husband of informant-cum-victim, Nibha Devi died on 15.01.2019 that after death of her husband, this petitioner on the pretext of marriage sexually exploited her, as a consequence of which she became pregnant and thereafter given birth to a girl child and later on petitioner refused to marry her.

4. Learned counsel for the petitioner submitted that from bare perusal of F.I.R. it is apparent that petitioner is own



devar of informant and informant put pressure upon him to marry with her and when this petitioner refused, this false and concocted case has been lodged against him. As a matter of fact, when their relationship developed, both were major. The act of repeated intimacy and sexual relationship was totally consensual in nature and was not established under any false promise, threat, duress or coercion. He further submits that it is a case of long voluntary love affair between two consenting adults which had been given a colour of forcibly sexual intercourse with oblique purpose and motive. It is hard to believe that the victim who is own *bhabhi* of the petitioner kept on bending to the demands of the petitioner without raising any protest to any quarter that the petitioner was exploiting her sexually under the pretext of a false promise of marriage. The sexual relations continued unabatedly between the parties, is sufficient to conclude that there was never an element of force or deceit in the relationship.

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

6 Considering the 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 District and Sessions Judge Exclusive Special Judge (Rape and POCSO Act), East Champaran, Motihari, in connection with Chhauradano P.S. Case No. 118 of 2025, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita , 2023 .

(Prabhat Kumar Singh, J)

Koushik/Alok
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