

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4211 of 2026

Arising Out of PS. Case No.-791 Year-2025 Thana- MANER District- Patna

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Amar Kumar S/o Sarvanand Singh R/o vill - Ramubigha Ghoratap, P.S.-
Bihta, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari W/o Late Abhimanyu Kumar R/o vill - Madhopur, P.S.-
Maner, Distt.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Suman Kumari Singh, A.P.P.
For the Informant	:	Md. Nematullah, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 23-06-2026 Heard learned counsel for the petitioner, informant
and the State.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 115(2), 64(1), 127(2),
303(2), 351(2), 3(5) of the Bharatiya Nyaya Sanhita.

3. Prosecution case, in brief, is that husband of the
informant died on 13.06.2022 and since then she has been living
at her maternal home at Madhopur. It is alleged that this
petitioner, who is husband of her elder sister, taking benefit of
the situation used to force himself upon informant and used to
sexually harass her for two years. Parents of the informant did
not take notice of the same and asked her to keep mum. It is



further submitted that parents of the informant wanted to marry her on 16.07.2025 but when she refused to do so, she was assaulted and ousted from her maternal house. It is further alleged that this petitioner along with other co-accused broke her almirah and stole jewellery, kept her daughter and threatened her with dire consequences.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. As a matter of fact, after the death of the husband of informant, she wanted to marry with this petitioner and when he refused to solemnize marriage with informant, this false and concocted case as lodged against him. Moreover, as per F.I.R. itself, informant was major when the relationship developed between the parties and was fully aware of the consequences of such relationship which continued for about two years. He further submits that acts of repeated intimacy and sexual relationship was consensual in nature and was not established under any false promise, threat or coercion and such, the same cannot be said to be induced or involuntary. As a matter of fact, it is a case of prolonged love affair between two consenting adults which has been given a colour of forcible sexual intercourse with oblique purpose and motive. Petitioner claims clean antecedent.



5. Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the bail application and submitted that there is direct and specific accusation that this petitioner forcibly committed rape upon the informant and kidnapped her minor daughter.

6. Considering the relationship between the parties and clean antecedent, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, 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 learned Judicial Magistrate, 1st Class, Danapur in connection with Maner P. S. Case No. 791 of 2025, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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