

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6857 of 2026

Arising Out of PS. Case No.-163 Year-2025 Thana- MAHILA P.S. District- Nalanda

Nitish @ Aditya Kumar @ Nitish Kumar @ Aditya Raj Kumar S/O Dwarika
Paswan R/O Vill.- Hargawan, P.S.- Manpur, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate Ms. Sushmita Mishra, Advocate
For the Informant	:	Mr. Ravi Bhushan Prasad no.1, Advocate
For the State	:	Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 01-04-2026 Heard Mr.Ajay Kumar Thakur duly assisted by Ms. Sushmita Mishra, learned counsels for the petitioner and Mr. Ravi Bhushan Prasad no.1, learned counsel for the informant beside Mr. Chandra Sen Prasad Singh, learned APP for the State.

2. The petitioner is apprehending arrest in connection with Mahila P.S. Case No. 163 of 2025 for the alleged offence under sections 126(2), 115(2), 69 of the Bharatiya Nyaya Sanhita, 2023 lodged on 17.11.2025 by the informant, Sarita Kumari.

3. As per the prosecution story, the informant alleged that she got married with one Vikash Paswan in the year 2011 and was preparing for the examination at Biharsharif. There, she



met with this petitioner and thereafter, they developed intimacy for each other and finally culminated into physical relationship. They assured each other that if any of them gets employment, they will live forever. Later, the petitioner got government job, they stayed in a hotel the entire night but later, on the pretext of going to Delhi, he left her stranded at the railway platform. As she came to know that he intends to get married, the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that she is a married lady, adult, having complete knowledge of consensual relationship and further knows that unless divorced, she cannot enter into the second marriage. There is nothing on record to show that when she was thrown out of the train as alleged, whether she suffered any injury and/or a complaint was lodged with the local G.R.P. The last submission is that the petitioner got employment, has no criminal antecedent, if relief not granted, will prejudice his future as he has just got an employment.

5. Learned counsel for the informant opposes the prayer submitting that on the pretext of marriage, he lured the married lady and entered into the physical relationship. Further, she was also thrown out of the train.

7. Considering the aforesaid submissions of the



parties as also the content of the FIR which clearly shows that two adults entered into a consensual relationship, the lady is married, this petitioner has no criminal antecedent as submitted above, in that background, this Court is inclined to extend him the privilege of anticipatory bail

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Mahila P.S. Case No. 163 of 2025 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Nalanda at Biharsharif subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the petitioner shall be appearing before the police station as and when required for cooperating in the investigation;

(iii) the petitioner 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 bail bond by the Trial Court itself;

(iv) the petitioner 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;

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

9. Before parting, this Court would like to put on record its word of appreciation for Ms. Sushmita Mishra, learned counsel for the petitioner for the proper assistance rendered by her.

(Rajiv Roy, J)

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