

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13631 of 2026

Arising Out of PS. Case No.-171 Year-2025 Thana- Jagdishpur District- West Champaran

Badri Prasad @ Jay Kishore Prasad Son of Mahadev Prasad Resident of
Village - Jhakara, Ward no. 6, P.S. - Jagdishpur, District - West Champaran.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-02-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The accused-petitioner, named in the F.I.R.,
is apprehending his arrest in connection with
Jagdishpur P.S. Case No. 171 of 2025 registered for
the offences punishable under Sections 123, 64,
318(4), 316(2), 115(2) and 3(5) of the Bhartiya Nyay
Sanhita, 2023 (in short, the 'B.N.S.') and section 67
of the I.T. Act.

3. As per FIR, petitioner alleged to commit
rape upon the informant on false pretext of
marriage.

4. Learned counsel appearing on behalf of the
petitioner submitted that informant is under habit to
lodge this type of cases as prior to her marriage with



petitioner, she solemnized marriage with one Mukesh Kumar, son of Yogendra Prasad, resident of village - Siswa Kodar, P.S. - Paharpur, District - East Champaran and subsisting her marriage with said Mukesh Kumar, she developed relationship with one Amit Makhwana, and subsequently developed a friendly relationship with this petitioner with whom she finally solemnized marriage after blackmailing him to implicate falsely for rape. It is submitted that the FIR in issue is based upon the complaint petition where informant raised allegation as to commit rape upon her by this petitioner and concealed the fact that she solemnized marriage with this petitioner, but during course of investigation, it transpires that informant already solemnized marriage with this petitioner whereafter the police submitted charge-sheet under section 85 of the B.N.S. corresponding to Section 498A of the I.P.C., which was also approved by learned jurisdictional Magistrate, who took cognizance accordingly.

5. Learned A.P.P. for the State duly assisted by learned counsel appearing for the informant, while opposing the prayer for anticipatory bail of the



petitioner, could not disputed the aforesaid factual submission.

6. In view of the aforesaid factual submissions and by taking note of the fact as during investigation allegation qua rape found false by police, where after investigation charge-sheet was submitted for the offence under section 85 of the B.N.S./498A of the I.P.C. against the petitioner, where allegation qua committing physical and mental cruelty *prima facie* not available in FIR as marriage was concealed, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Bettiah, West Champaran/concerned court in connection with Jagdishpur P.S. Case No. 171 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J)

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