

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16140 of 2026

Arising Out of PS. Case No.-199 Year-2025 Thana- TEKARI District- Gaya

Ashutosh Kumar Son of Shri Prem Kumar Gupta, Resident of Village-
Konch, P.S.- Tekari, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. Punam Devi Wife of Dilip Ram, Resident of Village- Mayurwa, P.S.-
Treveniganj, District- Supaul.

... .. Opposite Party

Appearance :

For the Petitioner	:	Ms. Rabia Gulnaz, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the Informant	:	Mr. Prakash Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-04-2026 Heard learned counsel for the petitioner, learned
Spl. P.P. for the State and the learned counsel for the informant.

2. In the present case, the petitioner is apprehending his arrest in connection with Tekari P.S. Case No. 199 of 2025, registered for the offences punishable under Sections 64(1) and 85 read with Section 3(5) of the B.N.S., 2023 and Section 4 of the D.P. Act and Sections 4 and 8 of POCSO Act and Sections 3(i)(r), 3(i)(s), 3(i)(w) and 3(2)(va) of the SC/ST Act.

3. As per prosecution case, the informant has instituted the present case on the basis of a written report wherein she stated that the petitioner established physical relationship with her minor daughter giving inducement of



marriage. Thereafter, on 17.09.2024, marriage was solemnized between the petitioner and the daughter of the informant. Further allegation has been made by the informant that the petitioner did not take back her daughter after marriage and when the informant with her family members went to the matrimonial home of her daughter, the entry of her daughter was opposed by the family members of the petitioner, who taking her caste name refused to take the daughter of informant in their house. Thereafter, the informant lodged this case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The victim has solemnized marriage with the petitioner and she is residing in her matrimonial home. She is the legally married wife of the petitioner and this falsifies the allegation of rape as it was a consensual relationship after marriage. Learned counsel further submits that as the petitioner went to his work place and some delay occurred in taking back the daughter of the informant to her matrimonial home, under some apprehension, the informant has lodged this false case. Learned counsel further submits that the alleged victim is aged above nineteen years and there could be no application of Sections 4 and 8 of POCSO Act in the present case. Similarly, the



allegation under the provisions of SC/ST (PoA) Act is also not believable as the petitioner has solemnized marriage with the daughter of the informant. Learned counsel further submits that there is no force in the allegation of the informant as there is no cogent material and FIR has been lodged after much delay. Since the daughter of the informant has been staying in her matrimonial home with the petitioner, who is a school teacher, a compromise has already been arrived at between the parties and informant is not willing to pursue the matter any further. Learned counsel lastly submits that the petitioner is having clean antecedent.

5. Learned Special Public Prosecutor for the State as well as learned counsel for the informant oppose the submissions made on behalf of the petitioner. Learned counsel for the informant submits that the informant does not oppose the prayer for bail as matrimonial relationship has been restored between the parties and a compromise has also been arrived at.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the improbable nature of accusation and further considering the relationship of the daughter of the informant as well as the petitioner, let the petitioner above-named, in the event of his



arrest or surrender before the Court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCO-cum-District & Additional Session Judge-VII, Gayajee, in connection with **Tekari P.S. Case No. 199 of 2025**, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.*
- (ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned trial Court.*

(Arun Kumar Jha, J)

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