

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14939 of 2026

Arising Out of PS. Case No.-442 Year-2025 Thana- AKHODHIGOLA District- Rohtas

Pramod Kumar @ Pramod Mali S/o Mithilesh Mali @ Mithilesh Bhagat R/O
Village- Saryu Tola, P.S.-Baghaila, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh, Advocate.

For the Opposite Party/s: Mrs.Veena Kumari Jaiswal, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 08-07-2026 Heard Mr. Rajesh Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mrs. Veena Kumari
Jaiswal, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Akorhigola P.S. Case No. 442 of 2025 registered for the
offence punishable under Sections 363 and 366 of the Indian
Penal Code.

3. As per the allegation made in the F.I.R., petitioner
is said to have run away with the wife of the informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that the wife of the informant had willingly
accompanied the petitioner and she has not made any complaint
against the petitioner. Learned counsel has relied upon the law
laid down by the Apex Court in the case of **Joseph Shine v.**



Union of India, (2019) 3 SCC 39, wherein the Apex Court has held that Section 497 IPC is violative of Articles 14, 15(1) and 21 of the Constitution being manifestly arbitrary, gender discriminatory, encroachment into women's identity, dignity, liberty, privacy, sexual autonomy, freedom to make independent choice in matters of sexuality, hence struck down as unconstitutional.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., learned District Court is directed to reconsider the prayer for bail of the petitioner by applying the principles laid down in the case of **Joseph Shine (supra)** and pass a fresh reasoned order without being prejudiced by any observation made in the present order and the impugned order.

7. The bail application stands disposed of.

(Purnendu Singh, J)

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