

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17028 of 2026

Arising Out of PS. Case No.-358 Year-2025 Thana- CHHATAUNI District- East Champaran

Mahesh Kumar Son of Ram Ekbal Thakur Resident of Village- Bansghat,
P.S.- Chakiya, District- East Champaran, (Motihari)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL

ORAL ORDER

5 27-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Chhatauni P.S. Case No. 358 of 2025. The case is registered under Sections 64(1), 318(4), 61, 69, and 351(2) of the B.N.S.

3. As per the prosecution case, the informant is a divorced woman with two children. She approached the petitioner, who practices as an advocate at the Civil Court, for legal advice. The petitioner gave her tea laced with some chemical substance. She became unconscious. Thereafter, the petitioner is alleged to have threatened to publicize a video recording of the incident and, on the strength of that threat, forced her to solemnize marriage with him. He is also alleged to have taken her jewellery and money.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that, accepting the entire prosecution case as true, the relationship between the petitioner and the informant was consensual, being between two adults. It is submitted that the petitioner has one criminal antecedent and has been in custody since 04.07.2025.

5. Learned APP for the State and counsel for the informant vehemently oppose the prayer for bail. It is submitted that the marriage certificate and WhatsApp messages on record establish that the petitioner was in a relationship with the informant. It is further submitted that he exploited her financially over a period of 11-12 years and extorted money from her throughout that period.

6. This Court has carefully considered the submissions advanced by both sides. The nature and gravity of the offences, including the charge under Section 64(1) BNS, has been borne in mind. At the same time, the admitted duration of the relationship spanning 11-12 years is a material circumstance. The informant is admittedly an adult. The fact that the relationship continued over such a prolonged period is, prima facie, indicative of an element of consent and acquiescence on



her part, even though the circumstances of its commencement are disputed. The single criminal antecedent of the petitioner is noted; however, there is no material before this Court to show that it is of a similar nature as the present allegations. On a cumulative consideration of the period of custody, the nature of the antecedent, and the long duration of the relationship, this Court is of the prima facie view that the petitioner is entitled to bail at this stage.

7. Accordingly, the application is allowed. Let the petitioner, Mahesh Kumar, 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 the learned District & Additional Sessions Judge, Exclusive Special Judge (Rape and POCSO Cases), East Champaran, Motihari, or the concerned court below, in connection with Chhatauni P.S. Case No. 358 of 2025.

The bail is subject to the following conditions:

- (i) The petitioner shall not directly or indirectly contact, intimidate, or influence the informant or any witness in the case.
- (ii) The petitioner shall not circulate, distribute, or publish any audio or video recording pertaining to the informant in any form or through any medium.
- (iii) The petitioner shall appear before the concerned court on each and every date of hearing.
- (iv) In the event of violation of any of the above



conditions, the State shall be at liberty to move for cancellation of bail.

8. It is made clear that any observation made herein is prima facie in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

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