

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16726 of 2026

Arising Out of PS. Case No.-68 Year-2025 Thana- MAHILA P.S. District- Sitamarhi

Japan Kumar @ Japan Bhandari Son of Ram Swarth Bhandari Resident of
Village - Tediya, Police Station - Sahiyara, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the State	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Hans Lal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 24-06-2026 Heard Mr. Uday Kumar, learned Advocate for the
petitioner and the learned APP for the State. The informant is
represented through Mr. Hans Lal Kumar, learned Advocate

2. The petitioner is apprehending his arrest in
connection with Sitamarhi Mahila P.S. Case No. 68 of 2025
registered for the offences punishable under Sections 69, 89,
316, 115, 116, 351, 352, 3(5) of the Bharatiya Nyaya Sanhita,
2023.

3. Allegation against the petitioner is of establishing
physical relationship on the pretext of marriage, but later on
when the informant became pregnant, she was forcefully
aborted, and the petitioner refused to solemnize marriage.

4. Learned Advocate for the petitioner submitted that
the informant is non-else, but the younger sister of his Bhabhi,



and even as per the F.I.R., they had been in a good relationship since 2021. The relationship, as alleged in the F.I.R., was a consensual relationship, but later on due to some reason, the marriage could not be settled, which resulted into the lodging of the present F.I.R. There is various inconsistencies in the written report as well as the statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The medical report also suggests that on the alleged date of occurrence, the informant was a major. Moreover, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceedings of the court.

5. On the other hand, learned APP for the State and the informant vehemently oppose the bail application and submit that there is specific accusation against the petitioner that initially he committed rape upon her, but later on he succeeded in persuading her for continuous physical relationship on the pretext of marriage and thereby the petitioner completely exploited the informant.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the petitioner and the informant are major and the relationship, *prima facie*, appears to be consensual for a



pretty long time and the reason behind loding of the F.I.R. is also said to be that the petitioner refused to solemnize marriage, despite assurance, this Court is inclined to accept the prayer of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate (Sadar), Sitamarhi in connection with Sitamarhi Mahila P.S. Case No. 68 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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