

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21426 of 2026**

Arising Out of PS. Case No.-197 Year-2025 Thana- BADDI District- Rohtas

Mukesh Kumar Gupta Son of Baiju Prasad Gupta Resident of Village- Raipur  
Chore, PS -Baddi, Dist -Rohtas

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

2      06-04-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 64 (1), 318 (4) and 351 (2) of the BNS.

3. The case of the prosecution, in brief, is that the informant, who is a Jeevika teacher, came into contact with the petitioner, who is a tempo driver, and used to travel in his tempo. It is alleged that on 04.12.2025 at about 4:00 P.M., the petitioner called the informant and established a forceful physical relationship with her. Thereafter, he continued to call and threaten her. It is further alleged that the petitioner took a sum of Rs. 50,000/- from the informant and also promised to marry her.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that, from the perusal of the F.I.R. itself, it is evident that the alleged occurrence of forceful sexual intercourse is dated 04.12.2025, whereas the F.I.R. has been lodged on 20.12.2025, after a delay of 16 days, for which no explanation has been furnished. It is further submitted that, so far as the allegation regarding false promise of marriage is concerned, the same appears only in the latter part of the F.I.R., and it is not alleged that the physical relationship was established on such false promise; rather, the allegation is that the relationship was established first, and thereafter, a promise of marriage was made.

5. Learned counsel further submits that the allegation of forceful sexual intercourse is not supported by the conduct of the informant, *inasmuch* as no complaint was made for more than 15 days, and no medical examination has been conducted. It is also submitted that, in fact, there existed a consensual relationship between the petitioner and the informant, which subsequently turned sour, leading to the institution of the present case. Moreover, the petitioner is languishing in judicial custody since 20.12.2025 having no criminal antecedent.



6. Learned A.P.P. has vehemently opposed the prayer for bail.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Baddi P.S. Case No. 197 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Sasaram Rohtas.

**(Ashok Kumar Pandey, J)**

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