

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28686 of 2026

Arising Out of PS. Case No.-109 Year-2026 Thana- HAJIPUR SADAR District- Vaishali

Aman Kumar son of Vinay Rai Resident of Village- Panapur Langa PS
-Hajipur Sadar District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-07-2026 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State as also the learned
Advocate for the informant.

2. The petitioner apprehends his arrest in connection
with Hajipur Sadar P.S. Case No. 109 of 2026, registered for the
offences punishable under Sections 85/89/69/3(5) of the BNS
and Sections 3/4 of the Dowry Prohibition Act.

3. Based upon the written report, the prosecution
alleges that the petitioner on the pretext of marriage sexually
exploited the informant due to which she received pregnancy
but subsequently the family members of the petitioner
administered some medicine due to which miscarriage has been
done. Despite the aforesaid fact, the petitioner continued with
the physical relationship and later on when the informant came



to know that the marriage of the petitioner has been settled with some another lady, she tried to make the petitioner understand but he started demanding Rupees Five Lakhs.

4. Learned Advocate for the petitioner submitted that the entire allegation is unfounded and baseless. The petitioner has never been married to the informant nor they ever lived together. Statement of the victim recorded under Section 183 of the BNSS clearly suggests that her marriage was solemnized with one Raja Kumar and later on, owing to strained relationship, her husband left her. Thereafter on one pretext or other, when some intimacy developed between the informant and the petitioner, she desired to solemnize marriage with the petitioner. When the same was refused, the present FIR was instituted. Even if for the sake of argument, it is accepted that the parties were in relationship, that was consensual and as such no case is made out. The prosecution story also appears to be absurd that for the first time the informant met to the petitioner on 16.11.2024 and they married each other within five days. The petitioner came to know that the informant has a child who is more than eight years old and her earlier marriage has not been dissolved till date and, as such, there is no question of the informant contracting any further marriage with the petitioner.



5. On the other hand, learned Advocate for the State and the learned Advocate for the informant vehemently opposed the bail application and submitted that the petitioner has sexually exploited the informant on the pretext of marriage and later on he settled the marriage with another lady and when the informant tried to persuade him, he asked for Five Lakhs Rupees and thus the complicity of the petitioner cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that even if there was any relationship between the parties, which prima facie appears to be consensual, besides the statement of the victim recorded under Section 183 of the BNSS where she has admitted with respect to her previous marriage, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 109 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha



Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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