

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32201 of 2026

Arising Out of PS. Case No.-438 Year-2025 Thana- BAHERA District- Darbhanga

Md. Soeb S/o Md. Sahabul @ Sahabul Nadab Resident of Village- Madhopur,
P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. X D/O-xxxxxxxxxx

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikas Kumar Jha, Advocate
For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-07-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bahera P.S. Case No. 438 of 2025 for the offence under sections 126(2), 115(2), 64, 351(2), 352 and 3(5) of the BNS lodged on 08.11.2025 by the informant, XXXXX.

3. As per the prosecution story, the informant alleged that on the assurance of marriage, she was subjected to physical relationship, and later, upon request to tie the nuptial knot, threatened her of dire consequences. This led to the FIR.

4. Earlier the notice was issued to the opposite party no. 2, the appearance is there but today, on call, learned counsels are absent.

5. Learned counsel for the petitioner submits that the



girl is major (21 years), even if the allegation is accepted, it was mutual physical relationship, the FIR is there, he will be facing the trial, the petitioner do not have any criminal antecedent and the girl refused to go through medical examination.

6. Learned APP opposes the prayer submitting that the allegation is that on the assurance of marriage, the physical relationship was made.

7. Taking into account the submissions of the parties as also that the petitioner do not have any criminal antecedent and the girl is major, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM-I, Benipur, Darbhanga in connection with Bahera P.S. Case No. 438 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving License) to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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