

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36448 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- MAHILA PS District- East Champaran

Akhilesh Mahto Son of Mosafir Mahato Resident of Village - Semra, P.S.-
Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 09-04-2026 Heard Mr. Abhishek Kumar, learned counsel for the petitioner, Mr. Ashok Kumar, learned counsel for the informant and Mr. Jai Narain Thakur, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 02.03.2024 in connection with Mahila P.S. Case No. 4 of 2024, F.I.R. dated 01.03.2024 for the offences punishable under Sections 376, 420, 504, 506 and 34 of the IPC.

3. According to prosecution case, this petitioner on the pretext of marriage has established physical relation with the victim out of which a male child was born on 09.01.2024 but later on refused to marry her.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. In fact, the petitioner was in love with the victim and they have performed marriage. He further submits that the statement of the victim was recorded under Section 164 of the Cr.P.C in which she has stated that she was in love with the petitioner and apart from that she has stated that during her love affair she was blessed with a male child on 09.01.2024. He further submits that the petitioner and the victim have performed marriage before the Marriage Officer, Motihari on 05.09.2024. Certificate of marriage issued by the competent authority is Annexure-3 of the supplementary affidavit. Initially the petitioner was in custody since 02.03.2024 but vide order dated 20.05.2024 the petitioner has been granted provisional bail for one month and the same was extended from time to time. Lastly, the petitioner has surrendered before the Court below after expiry of the time of the provisional bail on 23.03.2026.

5. The learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that victim has



performed marriage with the petitioner and she is living with the petitioner in his house with full honor and dignity.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sadar, Motihari, East Champaran in connection with Mahila P.S. Case No. 4 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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