IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34047 of 2026

CNR No. BRHC010480612026

Arising Out of PS. Case No.-102 Year-2025 Thana- RAJAON District- Banka

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Pritam Kumar @ Priya Son of Mahesh Prasad Yadav Resident of Village -Punsia Basti PS -Rajaoun District- Banka

... ... Petitioner/s

Versus

1. The State of Bihar
2. Ruchi Kumar Wife of Pritam Kumar @ Praya Resident of Village - Subkha, PS -Rajaoun District- Banka

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate
For the State : Mr. Binod Kumar, APP
For the O.P. No.2 : Mr. Dhananjay Kumar Pandey, Advocate
Mr. Ashok Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

4 19-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

2. The Petitioner is apprehending his arrest in connection with Rajoun P.S. Case No. 102 of 2025 registered for the offence punishable under Sections 64, 85 and 3(5) of the B.N.S. and Section ¾ of the Dowry Prohibition Act.

3. As per the prosecution case, the informant was married to the petitioner in the year 2023, whereafter she was subjected to torture on account of non-fulfilment of dowry demands. It has further been alleged that on 23.09.2024, while

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she was at her matrimonial home then co-accused Rajnish Kumar (brother-in-law) started abusing her and also subjected her to rape. The incident was reported to the petitioner, however, no action was taken by him. Ultimately, the informant was ousted from her matrimonial home on account of non-fulfilment of dowry demands.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It has further been submitted that the allegation of rape is directed against the co-accused, Rajnish Kumar, who happens to be the brother-in-law of the informant. It has further been submitted at the Bar that the charge-sheet has been submitted against the petitioner under Sections 85 and 3(5) of the BNS as well as Sections 3/4 of the Dowry Prohibition Act, whereas co-accused Rajnish Kumar, against whom the allegation of rape was levelled, has been exonerated during the course of investigation. It has also been submitted that the matter was referred to the Mediation Centre to explore the possibility of an amicable settlement between the parties, however, the report of the learned Mediator indicates that the mediation proceedings failed. It has further been submitted that the offences are triable by a Magistrate and there is no allegation of tampering with the

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evidence against the petitioner. Lastly, it has been submitted that the petitioner has clean criminal antecedent as stated in para 3 of the bail petition.

5. Learned APP for the State and learned counsel for O.P. No. 2 have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel for O.P. No. 2 has further submitted that the petitioner is the husband of the informant and the informant is ready to live with him.

6. Heard the parties and perused the record.

7. Considering the aforesaid facts and circumstances of the case, as well as the fact that the case is triable by a learned Magistrate and the mediation proceedings between the parties have failed, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Banka, in connection with Rajoun P.S. Case No. 102 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

8. Accordingly, the present application stands allowed.

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9. The petitioner is directed to remain physically present before the learned Court below on each and every date during trial, failure on two consecutive dates without reasonable cause, the trial court would be at liberty to cancel the bail bonds of the petitioner.

(Praveen Kumar, J)

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