

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35808 of 2026

Arising Out of PS. Case No.-63 Year-2025 Thana- MAHILA P.S. District- Bhagalpur

Rahul Kumar, S/o Ashok Mandal R/o Village- Raghopur, P.S- Parbatta
Naugachhiya, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 23-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Naugachhiya Mahila P.S. Case No.63 of 2025 registered under Sections 69 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (in short 'BNS').

3. Allegation against the petitioner is to establish physical relationship with informant aged about 22 years old on false pretext of marriage.

4. It is submitted by learned counsel appearing for the petitioner that when marriage of the informant was not negotiated for any of the social reasons, raising allegation for demand of dowry of cash of Rs.5 lakh, the present



allegation of consensual physical relationship and also of forceful medical termination of pregnancy was raised against this petitioner. It is further submitted that if the informant was so honest while raising her allegation, she must join the medical examination but in fact, she refused to join the same as it transpires from the investigation. In support of his submissions, learned counsel drawn attention of this court towards para 21 of the case diary, speaking, informant refused to join medical examination. Arguing further, it is pointed out that the victim categorically stated on 10.12.2025 before Medical Officer, Naugachhiya while denying to join medical examination that she visited Budhanath Temple as per her own will and there nothing happened with her. It is also pointed out that the said statement of victim creates a doubt *qua* her statement recorded under Section 183 of the BNSS. Moreover, petitioner claimed clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that the allegation is specifically available against this petitioner, who alleged to establish physical relationship



by adopting deceitful means.

6. In view of aforesaid factual submissions and by taking note of fact as the statement of victim as recorded under Section 183 of the BNSS *prima facie* suggest that marriage could not solemnised due to non-fulfillment of demand of dowry as asked for, *prima facie* diluting the allegation that physical relationship was established by deceitful means on false pretext of marriage, accordingly, the petitioner above-named, who is a man of clean antecedent, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Naugachhiya, Bhagalpur in connection with Naugachhiya Mahila P.S. Case No.63 of 2025, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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