

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36561 of 2026

Arising Out of PS. Case No.-58 Year-2026 Thana- TARABARI District- Araria

1. Sanjit Kumar Pathak Son of Batesh Nath Pathak
2. Batesh Nath Pathak, son of Late Rameshwar Pathak.
Both are resident of village-Gharwari (gharnawari), P.S.-Tarabari, District -Araria.

... .. Petitioners

Versus

1. The State of Bihar
2. Anupam Kumari, Daughter of Rajesh Mishra, Resident of village-Dabhra Ward No. 10, P.S.- Tarabari, Dist- Araria

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Samrendra Kumar Jha, Advocate Pragya Jha, Advocate
For the Opposite Party/s:	:	Mr. Syed Mojibur Rahman, Advocate
For the Informant	:	Mr. Sandeep Kumar, Advocate Mr. Saroj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-06-2026 Heard learned counsel for the petitioners and learned counsel for the State duly assisted by learned counsel appearing for the informant.

2. Both accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Tarabari P.S. case No. 58 of 2026 registered for the offences punishable under Sections 69, 351 (2) (3), 3/5 of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioners is to establish physical relationship with informant, when she was 18 years



old for long continuous 8 years on false pretext of marriage, who finally refused to marry her when he became Assistant Loco Pilot in the year 2026.

4. Learned counsel appearing on behalf of the petitioner submitted that the informant is 26 years old and admittedly she was in relationship with the petitioner no. 1 since last 8 years i.e. when she was 18 years old and was a major. It is submitted that as per the FIR, the first relationship was established in the year 2020 and the last was on 23.07.2025, which was alleged intentionally as to implicate this petitioner no. 1 under the provision of Section 69 of the B.N.S., which is now independent offence. It is submitted that when the marriage of informant could not solemnized with petitioner no. 1 for any of the social reasons, he was implicated with present allegation with oblique motive, where the father of the petitioner who is petitioner no. 2 also implicated, without having any cogent reasons.

5. While concluding argument, learned counsel submitted that if the version of FIR be believed the last



cause of action is of 01.03.2026 when the petitioner alleged to refuse marry with informant but FIR was lodged on 14.04.2026 i.e. after one and a half month without having any just explanation *qua* the delay.

6. Learned A.P.P. for the State duly assisted by learned counsel appearing for the informant, while opposing the prayer for anticipatory bail of the petitioners submitted that the petitioner no.1 obtained the consent for physical relationship by adopting deceitful means and it was made only under assurance that the petitioner no.1 would marry informant but he refused after becoming Assistant Loco Pilot. Both petitioners claimed clean antecedent.

7. In view of the aforesaid factual submissions, as admittedly informant was in relationship with petitioner no.1 since 2018 i.e. almost about eight years, where the FIR was lodged with delay of one and a half month after the last occurrence, without having any just explanation to the delay, accordingly, both above-named petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of



bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Araria/concerned court in connection with Tarabari P.S. Case No. 58 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J.)

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