

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37468 of 2026**

Arising Out of PS. Case No.-551 Year-2023 Thana- MADHUBAN District- East Champaran

Lalan Tiwari @ Rajnish Tiwari S/o Jai Mangal Tiwari Resident of Village-
Goshaipur, P.S.- Shyampur Bhatha, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 18-06-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 363, 365,
376, 506, 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that her cousin Bhabhi (Ashmita) called and asked her to
come to her parental house on 16.06.2023, further the informant
went to the house of Ashmita, where named accused persons
including the petitioner were present from before, it is next alleged
that Ashmita and mother of Sahil made her drink some intoxicated
drink after assaulting her, as such she became unconscious and
when she regained consciousness she saw herself in a Shiva
temple, where Lalan put vermilion on her forehead and even made
her signed on an affidavit, further Lalan forcefully established



physical relation and kept her confined in a room, next alleges that Lalan took her to Delhi to a house of his friend and thereafter to Rajasthan to the house of his uncle and in both the places forcefully established physical relation, next alleges that by mistake, Lalan left his home, hence the informant called her father and asked him to come to Rajasthan hence her father came and brought her back, but Lalan threatened that he will viral her objectionable pictures on social media.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that the allegations as alleged in the FIR does not inspire confidence for the reason that the informant alleges that she had gone to the house of Ashmita on 16.06.2023 where the occurrence is alleged to have taken place. It is further submitted that if the informant was missing from her house and did not come back, in that event, her family members including her parents ought to have instituted an FIR with an allegation that informant is missing after she went to the house of Ashmita but then that was not done. It is also submitted that petitioner and the informant were in love and they married and thereafter they stayed at Delhi and Rajasthan but when her father came to Rajasthan and brought her back home, thereafter she was pressurized to leave Lalan as her parents wanted to get her married to another boy. It is



also submitted that during course of investigation, the statement of the mother of the informant was recorded at para-87 of the case diary, wherein she has stated that the informant has been married to a different person and out of the wedlock a child was born and now they do not want to pursue the case. It is further submitted that statement of the informant was recorded under section 164 Cr.P.C. as would manifest from Para-40 of the case diary, wherein she has not supported the case of the prosecution, as alleged in the FIR. It is also submitted that it absolutely does not stand to reason that the FIR has been instituted by the victim after her return which further casts an aspersion on the case of the prosecution. It is next submitted that the date of occurrence is 16.06.2023 and the FIR came to be instituted on 03.11.2023. It is next submitted that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though it has been submitted based on material which transpired during the course of investigation that mother of the informant has stated that informant has been married to another boy and out of the wedlock a child was born and informant has not supported the case of the prosecution in her statement recorded under section 164 Cr.P.C. as



alleged in the FIR but then the case diary has not been called for, on which, the learned counsel appearing on behalf of the petitioner submits that the said submission has been made from the case diary and gave the same to the learned APP and the learned APP after perusing Para-40 and 87 of the case diary does not dispute the submissions made by the learned counsel appearing on behalf of the petitioner.

6. After hearing the learned counsel for the parties, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released 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 trial court where the case is pending/successor court in connection with Madhuban P.S. Case No.551 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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