

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45274 of 2026

Arising Out of PS. Case No.-377 Year-2026 Thana- BHABHUA District- Kaimur (Bhabua)

Shubham Pandey S/O Shri Santosh Pandey R/O Vill.- Ratwar, P.S- Bhabua,
Dist.- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX D/O Shri Santosh Pandey R/O Mohalla- Ward No- 19, Gawai, P.S- Bhabua, Dist- Kaimur at Bhabua.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Adv.

For the Opposite Party/s : Mr. Parwej Khan, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2026 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Bhabhua P.S. Case No. 377 of 2026 registered for the offences punishable under Sections 69, 3(5) of BNS.

3. As per FIR petitioner alleged to establish physical relationship on false pretext of marriage with informant aged about 16 years.

4. It is submitted by learned counsel appearing on behalf of the petitioner that just to aggravate the allegations informant intentionally mentioned her age in FIR as 16 years but in actual her age is ranging between 20-23 years as per



her medical report. In support of his submission learned counsel drawn attention towards Annexure-3 of the bail petition which is medical report of the informant. It is submitted that as per Aaddhar Card the age of informant is 01.01.2000 and as such she was 26 years on the date of occurrence.

5. Arguing further, it is submitted that FIR itself speaks that marriage of informant with petitioner was fixed by their parents and, thereafter, they started to talk frequently over phone and also established physical relationship. It is submitted that FIR also speaks that without informing their parents, the petitioner solemnized his marriage with informant in Mundeshwari Temple, Bhabhua. In this context it is submitted that as the marriage was admittedly solemnized, therefore, the implication as to establish physical relationship on false pretext of marriage appears false on its face. It is submitted that as certain demand were raised by the father of the petitioner in connection with present marriage, the present FIR was lodged having otherwise very remote connection with allegation. Petitioner claimed clean antecedent.

5. Learned APP duly assisted by learned counsel for



the informant while opposing the prayer of bail submitted that informant as per FIR was 16 years old at the time of occurrence, however, he could not disputed the statement of FIR that marriage between the parties was solemnized in Mundeshwari Temple at Bhabhua as submitted aforesaid.

6. In view of aforesaid factual submission and by taking note of fact as admittedly informant solemnized her marriage with petitioner, creating a *prima-facie* doubt *qua* establishing physical relationship by deceitful means on false pretext of marriage, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM or in-charge, Kaimur at Bhabhua /concerned Court, where the case is pending in connection with Bhabhua P.S. Case No. 377 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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