

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42004 of 2026

Arising Out of PS. Case No.-13 Year-2026 Thana- MAHILA P.S. District- Sitamarhi

Ram Vinod Mahto @ Vinod Kumar S/O Late Sukhdev Mahto @ Sukdev Mahto Resident of Village- Madhopur Raushan (Bhisa), P.S.- Dumra, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Kumari D/O Late Indradev Sah R/O Village- Suhai Ward No. 16, P.S.- Dumra, Distt.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. NK Agrawal, Sr. Adv
	:	Mr. Birendra Kumar, Adv
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Saurabh Kumar, Adv
	:	Mr. Shashwat Sahil Singh, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Mahila P.S. Case No. 13/2026 registered for the offences punishable under Sections 69 and 351(2) of the BNS.

3. The allegation against petitioner is to establish physical relationship with informant aged about 22 years, where the consent of informant alleged to be obtained by deceitful means on false pretext of marriage.

4. It is submitted by Mr. NK Agrawal, learned sr. counsel appearing on behalf of the petitioner that informant is under habit to lodge such false case against innocent persons and, thereafter, to blackmail them. In support of his submission



Mr. Agrawal submitted that prior to lodging of this case admittedly a case was lodged by this informant against one person namely Vivek Sah in year 2023, where she lodged the case raising allegation for the offence punishable under Section 4 of the POCSO Act, but same was found false by the Special POCSO Court, Sitamarhi vide its order dated 04.02.2026 in Sessions Trial No. 156/2025. It is submitted that informant was roaming inside the court campus in connection with her aforesaid case and, therefore, she came in contact with this petitioner. It is submitted that informant raised allegation against Judicial Officer also that her statement was recorded wrongly under Section 183 of the BNSS in the present case and same is apparent from the order dated 21.05.2026 (annexure P3 of the present bail petition) and also raised allegation against IO of this case. It is pointed out that informant did not spare petitioner, Judicial Magistrate and IO of this case, who is a police officer, which is sufficient to suggest the litigating approach and false allegation of the informant.

5. Arguing further, it is pointed out by Mr. Agrawal, that the last occurrence of physical relationship as alleged was 11.04.2025, but the FIR in issue was lodged on 21.04.2026 only i.e., after about six months, where no explanation for such



inordinate delay was supplied through FIR, making the allegation doubtful. It is submitted that as informant herself challenged the version of her statement as recorded under Section 183 of the BNSS, it cannot be said at this stage atleast that petitioner established physical relationship by deceitful means.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that allegation is specifically available against this petitioner. It is submitted that petitioner established physical relationship with informant for long one year on false pretext of marriage and when informant pressurized him to solemnize marriage, he denied to do so and this conduct of petitioner is sufficient to suggest that the consent of informant was obtained by deceitful means to attract offence within the meaning of Section 69 of the BNS.

7. Let it be so, as factual submission suggest that victim challenged her own statement as recorded under Section 183 of the BNSS, supporting the allegation, in view of annexure P3, of the present bail petition, coupled with the fact that FIR in issue was lodged after 6 months of the occurrence, without advancing any explanation *qua* such inordinate delay,



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 SDJM, Sadar Sitamarhi/concerned Court, where the case is pending in connection with Mahila P.S. Case No. 13/2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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