

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43628 of 2026

Arising Out of PS. Case No.-24 Year-2026 Thana- SANHAULA District- Bhagalpur

Prem Kumar @ Prem Prabhat @ Prabhat S/O Manoj Kumar R/O Karngarh,
P.s.- Gangta, Dist.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sharda Nand Mishra, Advocate Mr. Dhananjay Kumar Gupta, Advocate Ms. Isha Mishra, Advocate
For the State	:	Dr. Indihar Kumari, APP
For the Informant	:	Mr. Swapnil Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-07-2026 Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 69, 318(4) and 3(5) of the B.N.S..

3. The prosecution case, in brief, is that informant was in a love affair with this petitioner since last two years and on the false pretext of marriage, this petitioner established physical relations with the informant and also took Rs. 4,00,000/- from father of informant as dowry and on 25.02.2026, informant came to know that petitioner has already solemnized marriage



with another woman and thus, he sexually exploited the informant on the false pretext of marriage.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. The entire prosecution case, as set out in the F.I.R., is out and out false, fabricated and concocted. As a matter of fact, from bare perusal of the F.I.R. it is apparent that both parties knew each other since long and with the passage of time, relationship developed. At the time when the relationship developed, both of them were major and were fully aware of the consequences of such a relationship. The relationship was consensual between two consenting adults and both of them enjoyed each others company for two long years. It is further submitted that only because the relationship could not continue and failed, the same does not amount to rape. Rest of the allegations are ornamental in order to make the case grave. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and



submitted that petitioner is named in the F.I.R. with specific accusation that on the false pretext of marriage, this petitioner forcibly established physical relations with the informant and later on, solemnize marriage with another woman.

6. Considering the rival submissions advanced on behalf of learned counsel for the parties and the fact that from bare perusal of the prosecution case it is apparent that at the time when the relationship developed between the parties, both of them were major and enjoyed each others' company for two years, the same cannot be said to be inducted or involuntary, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C., Bhagalpur in connection with Sanhoula P.S. Case No. 24 of 2026, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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