

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51133 of 2026

Arising Out of PS. Case No.-175 Year-2026 Thana- HUSSAINGANJ District- Siwan

Jitendra Kumar Prasad @ Jitendra S/O Rampukar Been Resident Of Village-
Hathaura, P.S- Hussainganj, Distt.- Siwan, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Kumar, Adv. Mr. Divyam Kumar, Adv. Mr. Shivam Anand, Adv.
For the Opposite Party/s :		Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2026 Heard Mr. Prashant Kumar, learned Advocate for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Hussainganj P.S. Case No. 175 of 2026, registered for the
offences punishable under Sections 81 & 3(5) of the BNS.

3. Allegedly on the pretext of marriage, the petitioner
has sexually exploited the informant and later on when the
informant failed to fulfill the demand of dowry, he refused to
solemnize the marriage.

4. Learned Advocate for the petitioner submitted that
the entire case falls to the ground for the simple reason that the
petitioner has been working outside India since several years



and for the first time he left India on 26.03.2021 and returned on 06.04.2023. Thereafter he left for foreign assignment on 17.12.2023 and returned on 22.04.2026. The present FIR has been instituted only after seven days of his return once he and his family member showed his unwillingness for settlement of marriage. To support the aforesaid contention, copy of the Passport has also been brought on record as Anneuxre-P/2. Even if the allegation is taken to be true for the sake of argument, learned Advocate argued that the parties are admittedly major and relationship was consensual in nature and, as such, the allegation of sexual exploitation on the pretext of marriage is unfounded. The petitioner carries good reputation and a man of fair antecedent undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there is specific accusation against the petitioner of sexually exploiting an innocent lady.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the materials available on record which, prima facie, appears to this Court that the relationship was consensual and both the



parties are major, besides other materials which controvert allegation levelled in the FIR, as well as his fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned J.M-I, Siwan in connection with Hussainganj P.S. Case No. 175 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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