

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51114 of 2026

Arising Out of PS. Case No.-18 Year-2026 Thana- MAHILA P.S. District- Samastipur

Mithun Kumar @ Mithun Kumar Rai Son of Bhushan Ray Resident of
Village- Bin Bochha, P.S.- Mohiuddinnagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rani Kumari Daughter of Dinesh Ray Resident of Village- Sarangpur, P.S.-
Halai, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashwini Kumar Tiwary, Adv.
For the Opposite Party/s	:	Mr. M K Nirala, APP
For the Informant	:	Ms. Monika Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2026 Heard the learned Advocate for the petitioner, learned

Advocate for the informant and the learned Additional Public

Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 18 of 2026, registered for the
offences punishable under Sections 69, 351(2) and 3(5) of the
B.N.S.

3. Allegedly, on the pretext of marriage, the petitioner
has established physical relationship with the informant and
sexually exploited. Later on, the petitioner also made a demand
of dowry and when the informant failed to do so, he refused to
solemnize marriage and threatened with dire consequences.



4. Learned Advocate for the petitioner referring to the FIR contended that bare reading of the same *prima facie* it appears that both the parties are major and they had been in relationship for the last six years, and as such, institution of the FIR at this belated stage by making an allegation that the relationship was made on the pretext of marriage is wholly unfounded. It is specifically contended that the petitioner had never made any assurance of marriage and both the parties have voluntarily entered into this relationship, and as such, the allegation does not constitute any offense as alleged in the FIR.

5. On the other hand, learned Advocate for the State and the informant opposed the pre-arrest bail application and submits that the informant is a hapless lady and she has entered into this relationship only on the pretext of marriage, but later on it has been refused by the reason of non-fulfillment of the dowry demand.

6. Having considered the submissions advanced on behalf of the learned Advocate for the respective parties and considering the materials available on record, which *prima facie* suggest that the relationship was consensual in nature for a period of more than six years, besides the fair antecedent of the petitioner, let the petitioner above named 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.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Samastipur in connection with Mahila P.S. Case No. 18 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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