IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38362 of 2026

CNR No. BRHC010545942026

Arising Out of PS. Case No.-80 Year-2026 Thana- SHERGHATI District- Gaya

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Akhilesh Chaudhary @ Akhilesh Kumar S/o Jattu Chaudhary @ Ramdev Chaudhary R/o Village - Kadwa, P.s.- Sherghati, District -Gaya

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 58422 of 2026

CNR No. BRHC010545942026

Arising Out of PS. Case No.-80 Year-2026 Thana- SHERGHATI District- Gaya

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1. Mithilesh Kumar Son of Jattu Choudhary @ Ramdev Choudhary @ Jattu Chouwdhary Resident Of village- Kadwa, Ps- Sherghati, Dist -Gaya
2. Jattu Choudhary @ Ramdev Choudhary @ Jattu Chouwdhary Son of Jhannu Chouwdhary Resident Of village- Kadwa, Ps- Sherghati, Dist -Gaya
3. Lakshminiya Devi wife of Jattu Choudhary @ Ramdev Choudhary @ Jattu Chouwdhary Resident Of village- Kadwa, Ps- Sherghati, Dist -Gaya
4. Rajani Kumari Wife of Mithilesh Kumar Resident Of village- Kadwa, Ps- Sherghati, Dist -Gaya

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 38362 of 2026)

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the State : Mr. Umanath Mishra, A.P.P.

For the Informant : Ms. Drishti Mohan, Ms. Seema Singh, Advocates

(In CRIMINAL MISCELLANEOUS No. 58422 of 2026)

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the State : Mr. Satya Nand Shukla, A.P.P.

For the Informant : Ms. Drishti Mohan, Ms. Seema Singh, Advocates

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 27-10-2026 Both the above mentioned cases arise out of same Sherghati P. S. Case No. 80 of 2026 and are being heard and disposed of by a common order.

2. Heard learned counsel for the petitioners, informant and the State.

3. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 69, 352, 351(2) of the Bharatiya Nyaya Sanhita.

4. As per F.I.R., informant alleged that she had been in a love relationship with the petitioner Akhilesh Kumar for about six years, who allegedly continued physical relations with her on the pretext of marriage, without her guardians' knowledge. After her first marriage broke down, the petitioner’s family allegedly refused to accept her, and the accused subsequently married elsewhere. It is further alleged that, when the informant's family insisted on his marriage with her, the accused persons threatened them and fled from the village.

5. Learned counsel for the petitioners submits that entire case as set out in the F.I.R. is false and concocted. As a matter of fact, informant was major when the relationship developed and was fully aware of the consequences of such

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relationship which continued for more than six years. He further submits that acts of repeated intimacy and sexual relationship was consensual in nature and was not established under any false promise, threat or coercion and such, the same cannot be said to be induced or involuntary. Petitioners in connection with Cr. Misc. No. 58422 of 2026 are family members of Akhilesh Kumar and there is no allegation of any specific overt act against these petitioners. As a matter of fact, it is a case of prolonged love affair between two consenting adults which has been given a colour of forcible sexual intercourse with oblique purpose and motive.

6. Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the bail application.

7. Considering the age and prolonged consensual relationship between the parties, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate 1st, Gaya in connection with Sherghati P. S.

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Case No. 80 of 2026, subject to condition as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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