IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64385 of 2026

CNR No. BRHC010934442026

Arising Out of PS. Case No.-221 Year-2026 Thana- RAJAON District- Banka

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Shubham Kumar @ Vickey S/o Chitranjan Singh Resident of Village- Manjhoni, P.S.- Rajoun, Dist- Banka

... ... Petitioner/s

Versus

1. The State of Bihar
2. Annu Kumari Aged about 26 years, D/O- Anil Yadav, R/o- Vill- Ramkol, P,S,- Panjwara, Dist- Banka

... ... Opposite Party/s

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Appearance :
For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Ravi Prakash Dwivedi, Advocate
For the O.P. No.2 : Mr. Saranya, Advocate
Ms. Chandramani Kumari, Advocate
For the State : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

3 29-10-2026 Heard Mr. Y.C. Verma, learned senior counsel assisted by Mr. Ravi Prakash Dwivedi for the petitioner, Mr. Saranya, learned counsel for the informant through virtual mode and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 115(2), 126(2), 69, 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Petitioner is said to have established physical relationship with the informant on the pretext of marriage since 2023. Further, the petitioner also got terminated the pregnancy of the

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informant.

4. It is submitted by learned senior counsel for the petitioner that the F.I.R. discloses the age of the victim as 26 years and the age of the petitioner as 27 years, meaning thereby that both of them are adults. It is further submitted that they were in consensual love relationship for the past three years i.e. from 2023. As far as, the allegation of establishing physical relationship on the pretext of marriage is concerned, it is submitted that the petitioner and the informant were in consensual love relationship and only on account of the fact that the marriage could not fructify, the present case has been lodged. It is pointed out that as per the Aadhar Card (Annexure-P/2) the age of the informant is 38 years and Annexure-P/3 is the document which indicates that she has refused for her medical examination, as such, the entire allegations of her pregnancy and administering medicine for terminating her pregnancy would not be established. Further, as the cause of action is said to have taken place on 13.05.2026, while the F.I.R. was lodged on 19.06.2026, this delay has not been satisfactorily explained. The petitioner has clean antecedent and undertakes to cooperate in the investigation.

5. Learned counsel for the informant, however, vehemently

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opposed the prayer for anticipatory bail by submitting that the informant/victim has been made to enter into a physical relationship on the pretext of marriage and, subsequently, the petitioner has denied to get married to her.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner and the informant are both adults, having consensual relationship and considering the possibility of marriage not fructifying between them, coupled with the fact that she has also refused her medical examination, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Rajaun P.S. Case No. 221 of 2026, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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