

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79709 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- KOTWA District- East Champaran

Santosh Kumar Sah S/o Veer Bahadur Sah R/o Village- Ahirauliya Turha Toli,
Ward No. 09, P.S- Kotwa, Dist- East Champaran (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s	:	Mr.Madhuri Lata, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 19-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 64 (1), 126 (1), 115 (1), 3(5) of the BNS, 2023.

3. The case of the prosecution, in short, is that the petitioner had established physical relationship with the informant on the false promise of marriage. She has further alleged that the petitioner used to call her at his house and whenever she went there, physical relationship was established with her and whenever she proposed marriage, the petitioner promised to marry her. On 14.03.2025, the petitioner called her at his house at about 11:00 P.M. stating that he would talk to



her but again attempted to establish a physical relationship. On that day, the petitioner again established physical relationship with her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in connection with the present case. It is further submitted that the petitioner and the informant both are majors. From perusal of the FIR, it is clear that on 14.03.2025 for the last time, the petitioner allegedly established physical relationship, whereas the FIR was lodged on 17.03.2025 after a delay of three days. It is further submitted that from the allegation itself, it is clear that the informant had gone to the house of the petitioner and that they had established a physical relationship. Moreover, the petitioner is languishing in judicial custody since 04.07.2025 having no criminal antecedent.

5. Learned counsel appearing for the Informant has vehemently opposed the prayer of regular bail, submitting that due to above relationship, the informant became pregnant and during the course of treatment, there was miscarriage.

6. However, learned counsel for the petitioner submits that the statements of the informant as well as the medical examination, do not established that her pregnancy was detected



and that it is a consensual relationship between two majors.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kotwa P.S. Case No. 96 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, East Champaran, Motihari.

(Ashok Kumar Pandey, J)

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