

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79308 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- MAHILA P.S. District- Nawada

Amit Kumar S/O Mithu Mahto @ Mithu Prasad R/O Mohalla- Niche Bazar,
Roh, P.S- Roh, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjay Kumar Tiwary, Advocate
For the informant	:	Mr. Suman Kumar Mishra, Advocate
For the Opposite Party/s	:	Ms.Gulnar Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State. Perused
the case diary.

2. The petitioner seeks bail in connection with Mahila
P.S. Case No. 09 of 2025, instituted for the offences under
Sections 351(2) and 69 of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that petitioner has
established physical relation with the informant on the pretext of
marriage. Subsequently, he refused to perform marriage with the
informant.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. He
further submitted that victim is major and she fall in love with
the petitioner. The occurrence took place in the year 2024 and



F.I.R. has been lodged on 22.04.2025. Charge-sheet has been submitted in this case. In course of investigation, the victim refused to perform medical checkups. The petitioner is alleged to have established physical relationship on the assurance of marriage. Subsequently, for one reason or the other, the marriage could not be solemnized and for the said reason, the present case has been instituted. Learned counsel for the petitioner has further placed reliance on cases of the Hon'ble Supreme Court since reported in **2018 SCC OnLine SC-3100 (Dr. Dhruvaram Murlidhar Sonar Vs. The State of Maharastra & Ors)** and **(2019) 9 SCC 608 (Pramod Suryabhan Pawar Vs. The State of Maharashtra and Ors.)**. It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.07.2025 and has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. The victim in her statement recorded under Section 183 of BNSS supported the version of the prosecution.

6. Considering the aforesaid facts and circumstances of the case, as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, after



examination and cross-examination of the informant, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahila P.S. Case No. 09 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioner shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioner shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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