

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82566 of 2025

Arising Out of PS. Case No.-107 Year-2025 Thana- BENIPATTI District- Madhubani

Hira Kumar Sah @ Hira Sah Son of Lal Babu Sah Resident of Village-
Bharatpur, P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhavesh Kumar Sah. Adv Ms. Archna Aanand, Adv
For the Opposite Party/s	:	Mr.Uma Shankar Prasad Singh, Adv Mr. Saroj Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 03-04-2026 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 64(1), and 3(5) of the Bharatiya Nyaya Sanhita.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that in a coaching institute, she met petitioner and became friends and petitioner promised to marry her and used to talk to her from his mobile on her mobile, hence relationship developed in two years and they established physical relation, further on 25-4-2025 petitioner told her that he will marry her in



a temple, accordingly she came to the temple and kept waiting but petitioner did not turn up, accordingly she went to the house of the petitioner, where the accused persons assaulted, abused and ousted her.

4. Learned counsel for the petitioners submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that informant apart from implicating the petitioner even implicated his family members. It is further submitted that family members were implicated only with a view to coerce the petitioner into submission so that he marries the informant. It is also submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the relationship in between the petitioner and the informant was consensual and when the same soured, the present false case came to be instituted. It is next submitted that statement of the victim was recorded under Section 183 BNSS, wherein she has not even remotely suggested that petitioner established physical relation rather has stated that she was known to the petitioner and petitioner called her to a temple for marrying, but when she went to the temple, the petitioner was found missing and if petitioner marries her, in that event,



she will compromise the case. Learned counsel thus submits that in view of the statement of the victim recorded under Section 183 BNSS, it would manifest that the victim was only interested in coercing the petitioner into submission for the purposes of marrying. It is also submitted that the date of occurrence is 25-4-2025 and within a very short span of time the police filed an application before the learned trial court seeking non-bailable warrant of arrest on the ground that petitioner is absconding, accordingly the learned Magistrate issued non-bailable warrant of arrest by an order dated 31-10-2025, thereafter the Investigating Officer again filed an application dated 20-12-2025 seeking process under Section 84 BNSS and the same was also allowed by an order dated 20-12-2025 passed by the learned Magistrate, but then it is submitted that from perusal of the counter-affidavit, it manifests that police had sought process under Section 84 BNSS by its application dated 20-12-2025 and the order of the learned Magistrate dated 20-12-2025 recorded about issuance of a non-bailable warrant of arrest, but the said order was subsequently rectified by an order dated 18-3-2026. It is next submitted that it absolutely does not stand to reason that when victim in her statement recorded under Section 183 BNSS had not even remotely suggested that petitioner had



established physical relation on false promise of marriage then why the police was in a hurry to arrest the petitioner. It is further submitted that the learned Magistrate also in a mechanical manner without recording reason in terms of Section 84 BNSS issued process under Section 84 BNSS. It is submitted that date of birth of the victim is 7-6-2006 and the FIR came to be instituted in the year 2025, as such the victim on the date when the FIR was instituted was about 19 years of age, but then the doctor has assessed her age in between 16-17 years. It is also submitted that her mark-sheet of Bihar School Examination Board records the date of birth as recorded hereinabove and the same will prevail. It is next submitted that no doubt process under Section 84 BNSS has been issued but then whether it would be prudent for the court to send the petitioner to jail in nature of the allegation as alleged in the FIR and the statement of the victim recorded under Section 183 BNSS. It is further submitted that the learned Magistrate in mechanical manner issues process under Section 84 BNSS without recording reasons.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner, but then are not in a position



to rebut the submission of the learned counsel appearing on behalf of the petitioner that victim in her statement recorded under Section 183 BNSS has not even remotely suggested that petitioner on false promise of marriage established physical relation rather has stated that if petitioner will marry her she will compromise the case.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Benipatti P.S. Case No. 107 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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