

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85126 of 2025**

Arising Out of PS. Case No.-27 Year-2024 Thana- SIRISIYA District- West Champaran

Santosh Kumar S/o Satyanarayan Bhagat Resident of - Inarwa Bazar, P.S -  
Inarwa, District - West Champaran

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar
- 2. XXX D/o XXX R/o Village - Bhikanpur, P.S - Sirisia, District - West  
Champaran

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shashank Chandra  
For the State : Ms.Madhuri Lata  
For the Opposite Party No. 2 : Mr. Utpal Kant

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 402-04-2026
- 1. Heard learned Counsel for the petitioner, learned Counsel  
for the Opposite Party No. 2 and learned Additional  
Public Prosecutor for the State.
  - 2. This application, for grant of anticipatory bail, arises out  
of Sirisiya Police Station Case No. 27 of 2024, dated  
02.05.2024, disclosing offences punishable under  
Sections 376/420/313/328/493/341/323/506/34 of the  
Indian Penal Code and Sections 3/4 of the Dowry  
Prohibition Act.
  - 3. The prosecution case, as per the First Information Report,  
is that the informant came in contact with the petitioner  
on 19.08.2020 and both of them performed marriage on



07.10.2020 in a temple. It has further been alleged that the petitioner allured the informant with the promise of marriage in front of the family members and society and at the beginning, established physical relationship while she was only 16 years old. The informant continuously asked the petitioner to solemnize marriage, but he avoided the same in order to delay the marriage ceremony and used to forcefully terminate the pregnancy. The informant was subjected to cruelty by the petitioner by threatening to kill 12 years old brother of the informant. When the informant pressurized the petitioner to perform marriage rituals in front of the family members and the society, the petitioner asked the informant to bring money from her father or through prostitution.

4. Learned Counsel for the petitioner submits that it is true that the petitioner came in contact with the informant in a music class, which was being held by the petitioner and both, the petitioner and the informant, decided to solemnize marriage and in furtherance thereof, they solemnized marriage in a temple on 07.10.2020. After the marriage, both of them came to Patna, started living together as husband and wife and used to perform musical



programme jointly. On minor altercation with the petitioner, the informant has lodged the present First Information Report. In course of investigation, the mother and father of the informant have stated, in paragraph 6 and 7 of the case diary, that it is in their knowledge that the petitioner as well as the informant have performed marriage in a temple. Prima facie, no case under Section 376 of the Indian Penal Code is made out against the petitioner.

5. On the other hand, learned Counsel for the Opposite Party No. 2 opposes the prayer for bail and submits that there is no apprehension of arrest of the petitioner inasmuch as the petitioner was given benefit of Section 41-A of the Code of Criminal Procedure, 1973 during the course of investigation and now, charge sheet has been submitted, the petitioner has filed the present application for grant of anticipatory bail.
6. Consideration the nature of allegation in the First Information Report and the fact that both the parties have performed marriage in a temple and accepted by both of them and their parents and charge sheet has been submitted, I am inclined to grant the petitioner privilege



of anticipatory bail.

7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail 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, 1<sup>st</sup> Class, West Champaran, at Bettiah, in connection with Sirisiya Police Station Case No. 27 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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