

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4947 of 2025

Arising Out of PS. Case No.-58 Year-2025 Thana- MAHILA PS District- Jehanabad

Subham Rathor @ Rakesh Kumar @ Dablu S/O Arbind Singh Resident of
village- Shankar Bigha, P.S.- Konch, District- Gaya

... .. Appellant/s

Versus

1. The State of Bihar
2. Gudiya Kumari D/O Binod Kumar Das R/O Vill.- Kumna, P.S.- Kopa, Dist.-
Saran at Chapra

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Rama Kant Singh, Advocate
For the Opp. Party	:	Mr. Nitya Nand Neeraj, Advocate
For the Respondent/s	:	Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 17-07-2026 Heard the learned counsel for the appellant, the

learned counsel appearing on behalf of the respondent no. 2 and

the learned counsel for the State.

2. That the present appeal has been filed for setting
aside the order dated 25.11.2025 passed by the learned 1st
Additional Sessions Judge-cum-Special Judge (SC/ST) Act,
Jehanabad, in relation to Jehanabad Mahila P.S. Case No. 58 of
2025 registered under Sections 352, 351(2), 69, 3(5) of the
B.N.S. as well as Sections 3(i)(r)(w) and 3(2) (va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, by which the prayer for anticipatory bail of the
appellants has been rejected.



3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that she is a female constable posted at Jehanabad for the last 2 years and she came in contact with the appellant herein. Later on intimacy developed in between the respondent no. 2 and the appellant and they started talking on mobile phone and subsequently they established physical relationship on the pretext of marriage. The same continued for almost one year and when the respondent no. 2 told the appellant to marry her, the same was refused by him. When she talked to his brother and his family members, they used filthy language against her and also took name of her caste and told that the appellant will not marry her.

4. The learned counsel for the appellant submits that the appellant is innocent and has not committed any offence. He submits that the informant/respondent no. 2 is a government servant and there is no question of her believing the false assurance given by the appellant. He submits that the appellant is in the habit of making these types of false allegation and this fact becomes clear from perusal of FIR bearing M.H. Nagar P.S. Case No. 215 of 2026 lodged by her on 04.06.2026 against one another person with almost similar allegations. He further



submits that the said FIR has been brought on record by way of supplementary affidavit to the present appeal. He further submits that the appellant bears a clean antecedent.

5. Per contra, the learned counsel appearing on behalf of the respondent no. 2 submits that the appellant entered into physical relationship with the respondent no. 2 on the false pretext of marriage and continued to have physical relation with her for almost one year. Later on, he refused to marry the respondent no. 2 and when she talked to the family members of the appellant, they abused her and also took name of her caste. He further submits that the appellant finally refused to marry the respondent no. 2.

6. The learned counsel appearing on behalf of the State also opposes the prayer for bail of the appellant.

7. Considering the rival submissions and after going through the records, it appears that after lodging of the present FIR on 28.08.2025 the respondent no. 2 filed MH Nagar P.S. Case No. 215 of 2026 against one Ritesh Kumar with almost similar allegation of entering into physical relationship on the pretext of marriage and later on refusing to marry. It further appears that the allegation of taking name of her caste is not in full public view and is not attributed to the appellant.



8. In the facts and circumstances of the case, let the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 1st Additional Sessions Judge-cum-Special Judge (SC/ST) Act, Jehanabad, in connection with Jehanabad Mahila P.S. Case No. 58 of 2025, subject to the condition as laid down under Section 482(2) of B.N.S.S., with further condition:-

That the learned court concerned shall verify the criminal antecedent of the appellant and in case at any stage, it is found that the appellant has concealed his criminal antecedent, the Court concerned shall take steps for cancellation of bail bond of the appellant. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. Accordingly, the impugned order is set aside and this appeal is allowed.

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(Ritesh Kumar, J)

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