

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89756 of 2025**

Arising Out of PS. Case No.-282 Year-2025 Thana- KANKARBAG District- Patna

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Rajesh Pandey @ Rajesh Ranjan Pandey, S/O Late Parmanand Pandey, R/O
Vill.- Kumar, P.S.- Sikandra, Dist.- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Manoj Kumar Pandey, Advocqate Ms. Kumari Pallavi, Advocate Mr. Satya Prakash Parasar, Advocate
For the Opposite Party	:	Mr. Shayam Kumar Singh, APP
For the Informant	:	Mr. Nikhil Sharma, Advocate Mr. Vijay Kishore Bharti, Advocate Mr. Abhijeet Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 05-05-2026 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Kankarbagh P.S. Case No.282 of 2025 registered for the offence
under sections 69, 318(4), 303(2), 351(2) and 3(5) of the B.N.S.,
2023.

3. The petitioner is accused of cheating the
informant and establishing physical relationship with her by
making a false promise of marriage. It is also alleged that the
petitioner had, in different phases, taken an amount of
Rs.40,00,000/- from the informant.



4. The petitioner is in custody since 15.10.2025. By an order dated 15.01.2026, the petitioner has been granted provisional bail by a coordinate Bench of this Court.

5. Learned counsel for the petitioner submits that there is no proof of transfer of money in the account of the petitioner. He further submits that basically it is a case of consensual sex between two adults and therefore, the petitioner may be granted bail. In support of this submission, he has relied upon a decision of the Hon'ble Supreme Court in the case of ***Samadhan vs. State of Maharashtra & Anr.*** passed in ***Criminal Appeal No.5001 of 2025, arising out of Special Leave Petition (Crl.) No.6906 of 2005.***

6. Leaned counsel for the informant has opposed the prayer of the petitioner for grant of bail by submitting that the informant had sold a piece of land for Rs.40,00,000/- and the money which she got from the land sale has been given to the petitioner at different point of time. The informant has annexed the proof of transfer of Rs.90,000/- in the bank account of the petitioner in the counter affidavit. It has been submitted by the learned counsel for the informant that the petitioner is using the vehicle belonging to the informant.



7. Considering the fact that it seems to be a consensual sex between the two adults and also the law laid down by the Hon'ble Supreme Court in the case of ***Samadhan vs. State of Maharashtra & Anr. (supra)***, I am of the view that the petitioner deserves bail.

8. Accordingly, the provisional bail granted to the petitioner vide order dated 15.01.2026 is hereby confirmed. He is not required to furnish fresh bail bonds.

9. At the time of furnishing bail bonds, the petitioner shall furnish a bank draft of Rs.1,00,000/- prepared in the name of the informant in the Court below. The court below, in turn, will release the same in favour of the informant.

10. If the petitioner is using the vehicle of the informant, which is registered in the name of the informant or any of her family member, then the same shall be returned to the informant forthwith.

11. The informant is given liberty to initiate appropriate proceeding(s) in the concerned District Court for recovery of the amount, as claimed by her in the present proceeding.

12. It is made clear that the observations made herein are *prima facie* in nature and confined only to the



adjudication of the present application for bail and shall not be construed as an expression on the merits of the case.

13. Accordingly, this application is allowed.

(Sandeep Kumar, J)

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