

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91595 of 2025

Arising Out of PS. Case No.-409 Year-2025 Thana- MALSALAMI District- Patna

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Shubham Kumar Thakur @ Subham Kumar Son of Uma Shankar Thakur
Resident of Mohalla - Jangli Prasad Lane, P.S. - Chowk, District - Patna.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Binay Kumar, Advocate
For the State	:	Mr. Manoj Kumar, APP
For the Informant	:	Mr. Bijendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 13-03-2026 Heard learned senior counsel appearing on behalf of

the petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case

registered for the offence punishable under Sections 69, 89 and

351(2) of the B.N.S..

3. As per prosecution case, it is alleged that on the

false pretext of marriage, this petitioner established physical

relations with the informant on various occasions for three years

and later on, refused to solemnize marriage. It is further alleged

that due to the same, the informant got pregnant and then, this



petitioner forcibly administered abortion pills to her.

4. It is submitted by learned senior counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. The entire prosecution case, as set out in the F.I.R., is out and out false, fabricated and concocted. As a matter of fact, from bare perusal of the F.I.R. it is apparent that both parties knew each other since long and with the passage of time, relationship developed. At the time when the relationship developed, both of them were major and were fully aware of the consequences of such a relationship. The relationship was consensual between two consenting adults and both of them enjoyed each others company for three long years. It is further submitted that only because the relationship could not continue and failed, the same does not amount to rape. The victim in her statement recorded under Section 183 of the B.N.S.S. has also stated that she was in relationship with this petitioner for the last three years. Rest of the allegations are ornamental in order to make the case grave. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and



learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that on the false pretext of marriage, this petitioner established physical relations with the informant and later on, refused to solemnize marriage.

6. Considering the rival submissions advanced on behalf of learned counsel for the parties and the fact that from bare perusal of the prosecution case it is apparent that at the time when the relationship developed between the parties, both of them were major and enjoyed each others' company for three long years the same cannot be said to be inducted or involuntary and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged 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 Additional Chief Judicial Magistrate-IV, Civil Court, Patna City in connection with Malsalami P.S. Case No. 409 of 2025, subject to condition as



laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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