

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5193 of 2025

Arising Out of PS. Case No.-79 Year-2024 Thana- MAHILA P.S. District- Kishanganj

Md. Islam S/O Akmal Hussain Resident of Village- Satkuwa, Ward No. 14,
P.S-Dighalbank, Distt.- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhsana Khatun D/O Mohammad Anarul Resident of Village- Satkuwa,
Ward No. 14, P.S-Dighalbank, Distt.- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 06-08-2025 Heard learned counsel for the petitioner, learned
counsel for the OP.No.2 and the learned APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under sections 126(2), 351(2), 69,
3(5) of BNS.

3. The allegation in the FIR is that the petitioner aged
20 years, who is the cousin brother of the informant aged 19
years had committed rape with her and further on the pretext of
marriage continued the relationship for another 3 to 4 months
due to which she even became pregnant. However, the marriage
between the parties was refused.

4. Learned counsel for the petitioner submits that both



the petitioner and the informant are adults and it is only at best a case of consensual relationship between two adults. It would be evident from the FIR itself, that the petitioner had always admitted the fact that he would marry the informant. However, the allegation against the family members of the petitioner is that they objected to the said marriage. It has also been submitted that the petitioner and the informant are related and the present case has been lodged under section 69 of the BNS, which is indicative of the fact that the present case is not that of rape but of having consensual intercourse by deceitful means on promise to marry. It is not demonstrated in the present facts that the petitioner had any deceitful intention. It has been submitted that since the marriage was refused by the family, the present case came to be lodged against the petitioner and others. Learned counsel for the petitioner has also made a reference to the case of **Kunal Chatterjee v/s others Cr. Appeal no.-- of 2025 arising out of SLP NO. 7004 of 2025**, wherein on similar facts the proceedings against the accused were even quashed.

5. Learned counsel for the OP.No.2 and learned APP for the State however, oppose the anticipatory bail. The learned counsel for the OP.No.2 has also submitted that the informant/victim has also supported her version in her statement under



section 183 of the BNSS.

6. Considering the rival contentions of the parties and also considering the fact that both the petitioner and informant are young boy and girl and there seems to be consensual relationships between two adults, which did not fructify into a marriage, let the petitioner, in the event of his arrest/ surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Kishanganj P.S.Case No. 79 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C .

(Soni Shrivastava, J)

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