

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6439 of 2025

Arising Out of PS. Case No.-653 Year-2024 Thana- PATRAKARNAGAR District- Patna

Prashant Kumar S/O Late Ajit Kumar Nirala R/O Mohalla - 8E/12 Matri
Kripa, Bhootnath Road, Bahadurpur Housing Colony, P.S- Agamkuan,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Trisha Shukla Daughter of Pawan Kumar Shukla Residence of Mohalla Kali
Mandir Road, Hanuman Nagar Road, Number 2A, Sanjay Gandhi Nagar,
Jay Prakash Bhawan, Patna-800026.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 28-07-2025 Heard learned Senior Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. Despite of issuance of the notice, no one appears
on behalf of the Opposite Party No. 2.

3. The petitioner apprehends his arrest in
connection with Patrakar Nagar P.S. Case No. 653 of 2024,
F.I.R. dated 16.11.2024 for the offences punishable under
Section 64 of the B.N.S. Act and Section 4 of the POCSO Act. .

4. The allegation as per the First Information
Report is that the informant was seduced into sexual
relationship by the petitioner who was also her boyfriend and
thereafter he refused to marry her.



5. Learned Senior Counsel appearing on behalf of the petitioner submits, at the outset, that the present case is one of a consensual relationship between two adults as according to the Adhaar Card of the victim girl, which has been brought on record by way of Annexure-2 to the petition, the age of the victim girl appears to be 18 years. However, she herself disclosed her age to be 17 years but even considering the same she is on the verge of majority and hence she is capable of taking conscious and informed decision. It is further submitted that from the bare reading of the First Informant Report and the other documents attached therewith would show that the petitioner and the informant/victim were in a consensual relationship and due to some other intervening reasons, the relationship between them could not continue. It has been laid down by way of various judicial pronouncements that a mere break up of a relationship or a relationship between two adults not culminating into a marriage would not make out a case for applicability of Section 376 of the I.P.C. Further, the materials of the case diary have been narrated in the bail rejection order and from a perusal of the same, it would also appear that the victim herself has admitted to have entered into a physical/sensual relationship with the petitioner multiple times.



6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and also taking into consideration the fact that admittedly there was a consensual relationship between the parties, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, 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 the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Patna in connection with Patrakarnagar P.S. Case No. 653 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023.

(Soni Shrivastava, J.)

Jyoti Kumari/-

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