

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6039 of 2025

Arising Out of PS. Case No.-466 Year-2024 Thana- SURSAND District- Sitamarhi

Raja Kumar @ Vikas Kumar S/o Avlesh Mandal Resident of Village- Harri
Dularpur, P.S.- Sursand, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 06-05-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sursand P.S. Case No. 466 of 2024 instituted for the offence
under Sections 126(2), 115(2), 69, 352, 251(2) & 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

3. The informant aged 20 years, alleged that petitioner
lured her into a false promise of marriage and established
physical relations under that pretext. Despite repeated
assurances, he evaded marriage, and on 28.09.2024, his family
refused the marriage and abused her.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 04-10-2024. Petitioner



bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner mainly submits that parties are major and the physical relationship so established appears to be consensual in nature. It is submitted that the informant, being a major, willingly entered into a consensual relationship with the petitioner, which does not fall within the ambit of rape as defined under the law. In light of the Hon'ble Supreme Court's judgment in *Surajbhan Pawar vs. State of Maharashtra*, reported in (2019) 9 SCC 608, where a clear distinction was made between a false promise to marry and a mere breach of promise, the facts of the present case do not constitute the offence of rape but amount, at most, to a breach of promise. Police after completion of investigation has already submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently argued that the victim in her statement recorded under Section 183 of the BNSS, 2023 has fully supported the prosecution case.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Sursand P.S. Case No. 466 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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