

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13712 of 2025

Arising Out of PS. Case No.-280 Year-2023 Thana- NAANPUR District- Sitamarhi

Shashi Bhushan Kumar Son of Shivji Rai Resident of Village - Sater, P.S. -
Nanpur, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Adv

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 20-08-2025 Heard learned counsel appearing on behalf
of the parties.

2. Learned counsel appearing on behalf of petitioner submitted that admittedly marriage could not solemnize between the parties, therefore, the provisions of Section 112 of the Indian Evidence Act/Section 116 Bhartiya Shakshya Adhiniyam cannot be imported in present factual scenario. It is also pointed out that admittedly informant was major as per FIR and relations established out of the consent of the parties and, therefore, such corporeal relations cannot be termed as rape in view of legal ratios of Hon'ble Supreme Court as available through **Ansaar Mohammad Vs. State of Rajasthan and Another, [2022 SCC OnLine SC 886]** &



attention was also drawn towards **Pramod Suryabhan Pawar Vs. State of Maharashtra and Another, [2019 SCC OnLine SC 1073]**.

3. Arguing further, learned counsel for the petitioner pointed out that victim also approved consensual relationship while recording her statement under Section 164 of the Cr.P.C./Section 183 of the B.N.S.S.

4. Learned APP duly assisted by learned counsel for the informant could not dispute the aforesaid factual submission.

5. Exploring options *qua* avenue for settlement shall remain open to the parties.

6. In view of the aforesaid, the provisional bail granted to the appellant by one of the learned Co-ordinate Bench of this Court through vide order dated 09.05.2025 is hereby confirmed, with same bailors and bond till conclusion of trial.

7. Accordingly, present petition stands disposed of.

(Chandra Shekhar Jha, J.)

S.Tripathi/-



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