

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21768 of 2025

Arising Out of PS. Case No.-188 Year-2024 Thana- GHANSHYAMPUR District- Darbhanga

Visheshwar Mukhiya S/O Sukhdeo Mukhiya R/O Village- Nishihara, P.S-
Ghanshyampur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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

ORAL ORDER

3 16-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ghanshyampur P.S. Case No. 188 of 2024 instituted for the
offences under Sections 406, 376 of the Indian Penal Code.

3. Accusation against the petitioner is of establishing
physical relations with the informant on the pretext of marriage.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel further submitted that, from perusal of the FIR
itself, it appears that petitioner never made physical relations
with the victim against her will rather the same appears to be



consensual one. Learned counsel further submitted that victim is major and this petitioner never threatened or compelled her to make physical relations. Learned counsel further submitted that any corporeal relation, on the pretext of marriage cannot be termed as rape. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through *Ansaar Mohammad vs. State of Rajasthan and Ors. [2022 SCC OnLine SC 886]* as also through *Pramod Suryabhan Pawar vs. State of Maharashtra and Anr. [(2019) 9 SCC 608]*. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.09.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, there being no specific allegation against the petitioner of compulsion given by him to establish physical with the victim as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. 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 Ghanshyampur P.S.
Case No. 188 of 2024.

Alok Verma/-
(Rudra Prakash Mishra, J)

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