

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24669 of 2025

Arising Out of PS. Case No.-55 Year-2024 Thana- Bargaon District- Darbhanga

Md. Samiullah S/O Late Zahir @ Late Md. Zaheer R/O Vill.- Kothraon,
Kothram, Ward no. 10, P.S.- Bargaon, Dist.- Darbhanga.

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mina Kumari W/O Md. Ramjani R/O Vill.- Kothraon, P.S.- Bargaon, Dist.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. N.K.Agrawal, Sr. Advocate
Mr. Nilendu Kumar Choudhary, Advocate
Mr. Rahul Dubey, Advocate
For the State : Mr. Abhay Kumar Roy, APP
For Opposite Party No.2 : Mr. Girish Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel appearing on behalf of

the informant/Opposite Party No. 2.

2. The petitioner seeks bail in a case registered for the

offence punishable under Sections 376, 323, 379, 504, 506 and

34 of the Indian Penal Code and later on, Section 376 of the

Indian Penal Code and Sections 4 and 6 of the POCSO Act were

added.

3. As per prosecution case, informant alleged that her

21 years old daughter was in a love with this petitioner. It is

further alleged that this petitioner established physical relations



with the victim on the false assurance of marriage and later on, refused to marry her.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that the victim was major when the relationship developed and the same was consensual and both of them enjoyed each other's company for four years and at no point of time, the victim raised any alarm or objection. The same cannot be said to be induced or involuntary. It is not the result of any misconception and as such the same would not amount to rape. Petitioner claims clean antecedents and he is in custody since 23.01.2025.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard the parties. Informant is father of the victim. According to the informant, the victim was 21 years old when the relationship developed and the same continued for four years. The acts of repeated intimacy and sexual relations goes to show the same was consensual in nature and were not established under any false promise or threat. It is hard to believe that the victim kept on bending to demands of petitioner for a period of four years



without any protest to any quarter. The prolonged period of sexual relation is sufficient to conclude that there was never an element of force or deceit in relationship. It is a case of prolonged love affair between two consenting adults and has been given a colour of forcibly sexual inter course with oblique purpose and motive.

Considering the aforesaid facts and circumstances of the case, clean antecedents of the petitioner and period of custody, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner 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 learned Exclusive Special Judge (POCSO Act), Darbhanga in connection with Bargaon P.S. Case No. 55 of 2024.

(Prabhat Kumar Singh, J)

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