

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25638 of 2025

Arising Out of PS. Case No.-38 Year-2024 Thana- PANDAUL District- Madhubani

Guddu Paswan S/o Jagdish Paswan Resident of Village- Pandoul Purby Tol,
P.S.- Pandoul, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 30-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Pandoul

P.S. Case No. 38 of 2024, corresponding to G.R. No. 330/2024,

registered for the offence under Sections 341, 323, 420, 376,

313, 504, 506/34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is

in custody since 13.01.2025

4. The allegation against petitioner is to commit rape

upon the informant/complainant, aged about 25 years on false

pretext of marriage.

5. Learned Counsel appearing on behalf of the petitioner

submitted that as per complaint case bearing no. 73 of 2023 filed



before C.J.M., Madhubani, the date of occurrence appears 19.11.2022 for which the complaint as aforesaid was filed on 26.03.2023 i.e. after more than three months, which was registered as FIR/police case, exercising power under Section 156(3) of Cr.P.C. on 20.02.2024 only. It is submitted by learned counsel that the victim is a married lady aged about 25 years old and while subsisting her first marriage she developed relationship with petitioner and forced her to marry and when the proposal was not approved by the parents of the petitioner, the present false case was raised. It is submitted that any corporeal relations as established on the false pretext of marriage cannot be said rape and in support of his submission, learned counsel relied upon the legal report of ***Ansaar Mohammad Vs. State of Rajasthan and Another*** reported in ***2022 SCC OnLine SC 886***. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent and, moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid facts and circumstances and by taking note of fact as allegation of rape was raised on false pretext of marriage, where complaint appears lodged with delay of



three months, coupled with the fact that complainant/informant of this case is a married woman, where petitioner remains in custody since 13.01.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Pandoul P.S. Case No. 38 of 2024, corresponding to G.R. No. 330/2024, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhubani/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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