

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29919 of 2025**

Arising Out of PS. Case No.-15 Year-2025 Thana- PUPRI District- Sitamarhi

Md. Sarfaraj @ Md. Sarfaraz Alam, S/o Lutfur Rahman, R/o Village- Garha,  
Ward No 7, P.S.- Pupri, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXXXXXXX, Daughter of Late Zamahir, R/o Village- Garha, ward No.7,  
P.S.- Pupri, District- Sitamarhi

... .. Opposite Party/s

**Appearance :**

|                            |   |                                |
|----------------------------|---|--------------------------------|
| For the Petitioner/s       | : | Mr. Ashhar Mustafa, Advocate   |
|                            |   | Mr. Vikash Kumar Jha, Advocate |
| For the Opposite Party/s : |   | Mr. Anil Kumar, APP            |
| For the Opp. Party No.2 :  |   | Mr. Dwij Raj, Advocate         |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      20-08-2025                      Heard Mr. Ashar Mustafa, learned Advocate for the  
  
petitioner and the learned APP for the State. Opposite Party  
  
No.2 is represented through Mr. Dwij Raj, learned Advocate

2. The petitioner is apprehending his arrest in  
connection with Pupri P.S. Case No. 15 of 2025 registered for  
the offence punishable under Section 69 of the Bharatiya Nyaya  
Sanhita, 2023.

3. Allegedly on the fateful day, the petitioner came to  
the house of opposite party no.2 and established physical  
relationship. In the meanwhile, some of the co-villagers came  
there and on being found them in compromising position, they  
called the police, whereupon the petitioner promised in the



Panchayat that he would solemnize marriage with opposite party no.2. A bond was also furnished by the petitioner, but later on he refused to solemnize the marriage, leading to institution of the present F.I.R.

4. Learned Advocate for the petitioner, referring to the written report, has submitted that apart from the fact both the parties are adult and, *prima facie*, it appears to be consensual in nature. Some of the allegation is fully improbable for the simple reason that the victim has stated that they had been in relationship for eight years, irrespective of the fact that in the medical report, the age of victim has been assessed as between 18-20 years. The statement of the victim was also recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 wherein she has not made any allegation against the petitioner that the relationship was forcible or on the pretext of marriage, rather it is alleged that both of them were in love and agreed to solemnize marriage, but later on the petitioner refused.

5. Mr. Mustafa, learned Advocate for the petitioner further submitted that even if the allegation is taken to be true that they were in love and relationship was established on the pretext of marriage, no case is made out, much less, under Section 69 of the Bharatiya Nyaya Sanhita, 2023 in view of the



materials available on record and the statement of the victim recorded under Section 183 of the BNSS. It is also contended that later on at the instance of the Mukhiya of the Panchyat one another F.I.R. has also been lodged, but during the course of investigation no materials have been found against the petitioner. It is lastly contended that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

6. On the other hand, learned APP for the State and the opposite party no.2 opposed the bail application and submitted that physical relationship was established on the pretext of marriage and later on petitioner refused to solemnize marriage with opposite party no.2 and thereby she was cheated.

7. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the allegation levelled in the F.I.R., as also the fact, which clearly suggests that the relationship was consensual in nature and the parties are adult, coupled with the fair antecedent and the undertaking of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds



of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Rape and POCSO), Sitamarhi in connection with Pupri P.S. Case No. 15 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

**(Harish Kumar, J)**

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