

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32063 of 2025

Arising Out of PS. Case No.-279 Year-2022 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Nishant Kumar Singh Son of Gauri Shankar Singh Village -Rajpoot Tola
Road No. 11, PS -Mithanpura Distt -Muzaffarpur P/A- Village- Chakeyaj, Ps-
Mahnar, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Medha Verma, female aged about 26 ys. old D/o- Late Shailendra Kumar Verma R/o- Shanti Niketan Gali Parao Pokhar Road Lane No. - 04 P.S. - Kazi Mohammadpur, Distt. - Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Shankar Das, Advocate
For the Opposite Party/s : Mrs.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-11-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Kaji Mohammadpur P.S. Case No. 279 of 2022 registered for the offences punishable under Sections 376 of the Indian Penal Code.

3. The allegation against the petitioner is to commit rape upon the informant in the background of false promise of marriage. It is also alleged that petitioner refused to marry with the informant due to non-fulfillment of demand of dowry as raised for a cash of Rs. Five Lakhs and one four wheeler vehicle.



4. Learned counsel appearing on behalf of the petitioner submitted that informant was in live-in-relationship with the petitioner for long three years since 2019 and when marriage of the victim/informant could not solemnize with petitioner due to certain family reasons, the present false implication was raised, where allegation of dowry demand was also raised against the petitioner.

5. It is further pointed out that subsequently the informant compromised the issues and differences with petitioner and, thereafter she filed compromise petition before learned A.C.J.M.-I, East Muzaffarpur by retracting her earlier version and allegation as raised through FIR. However, petitioner is a man of clean antecedent.

6. While concluding argument, it is submitted by learned counsel that any corporeal relation as established on the false pretext of marriage cannot be termed as rape and 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 others** reported in **2022 SCC Online SC 886**.

7. Learned A.P.P. for the State could not disputed the



aforesaid factual submission as advanced by learned counsel for the petitioner.

8. In view of the aforesaid factual submissions and by taking note of the fact as allegation of rape *prima facie* appears to be raised in the background of dowry demand and false promise of marriage, coupled with the fact that matter also appears compromised between the parties, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Muzaffarpur, in connection with Kaji Mohammadpur P.S. Case No. 279 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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