

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31749 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- ALINAGAR District- Darbhanga

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Asharaf Ansari @ Md. Asharaf Ansari S/O Haidar Ansari @ Md. Haidar
Ansari Resident of Village- Supaul, P.S.- Birauli, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Ali Nagar P.S. Case No. 15 of 2025 lodged on 25.01.2025, for the offence punishable under Sections 126(2), 115, 64(1), 89, 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioner. It has been alleged in the FIR that the petitioner has developed physical relation with the informant who is aged about 26 years on the pretext of marriage, which was continued further. Thereafter, allegation of rape has been made by the informant.



Subsequently, from the said relation, informant got pregnant, and it has been alleged that the petitioner has given medicines due to which informant suffered abortion. Thereafter, when the informant visited the house of the petitioner, then all the accused persons abused her and threw her out and threatened her that if she disclosed anything, they would kill her and her family members. Thereafter, the present case has been lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the informant itself states that she is aged about 26 years have entered into physical relation with the petitioner who was at that very time, 22 years of age. Counsel submits that the difference of 4 years in the age gap indicates that the said relation is not a forceful relation, rather, a consensual relation which cannot be said to fall within the category of rape. Counsel submits that there is lack of mental state in this case as the informant is very much matured lady than the petitioner. Counsel further submits that the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and fairly submits that the informant is a matured lady and petitioner was just aged about 22 years.



6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of A.C.J.M.-I, Biraul, Darbhanga, in connection with Ali Nagar P.S. Case No. 15 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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