

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42228 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- Sahayak Khajanchi District- Purnia

Suraj Kumar Son of Sri Kabul Ram @ Kabul Ram Chandravanshi Resident of
Mohalla - Chitrvani Road, Bhatta Bazar, P.S.- K. Hat, District - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neetu Kumari Daughter of Sri Sita Ram Sharma Resident of Mohalla -
Saroday Nagar Zila School Road, P.S.- K. Hat, District - Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-07-2025 Heard Mr. Amit Kumar Anand, learned counsel

appearing on behalf of the petitioner and Mr. Amitesh Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Sahayak Khajanchi P.S. Case No. 108 of 2025 registered
for the offence(s) punishable under Section 64 of the B.N.S.

3. As per the allegation made in the FIR, petitioner
made physical relation with informant on the false promise of
marriage, and, thereafter, refused to marry.

4. Learned counsel appearing on behalf of the
petitioner submitted that when the relationship developed
between both the parties, they were major. From perusal of the



complaint, it is apparent that both parties were in relationship for quite sometime and enjoyed each other's company for months together and indulged in sexual act and as such, it cannot be said to be induced or involuntarily. The relationship was consensual. Petitioner has got clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. The Apex Court has observed that “the complainant was very much capable of understanding the consequences of her action and if the relationship is not working out, the same cannot be ground for lodging an F.I.R for the offence under Section 376 of I.P.C” in case of **Naim Ahmed Vs. State (NCT of Delhi)**, reported in **2023 SCC Online SC 89** and in the case of **Sonu @ Subash Kumar Vs. State of Uttar Pradesh & Anr.**, reported in **2021 AIR SC 1405**.

7. In the facts and circumstances of the case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea/successor Court in



connection with Sahayak Khajanchi P.S. Case No. 108 of 2025,
subject to the conditions as laid down under Section 482 of the
BNSS.

**8. The learned District Court is directed to verify
the criminal antecedent of the petitioner and if it is found
that the petitioner is involved in some other cases, as what
has been stated in paragraph No.3 of the bail application,
this order will automatically lose its force.**

(Purnendu Singh, J)

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