

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48020 of 2025

Arising Out of PS. Case No.-131 Year-2025 Thana- AMDABAD District- Katihar

Sourabh Mandal S/o Late Ajay Mandal @ Sapan Mandal @ Swapan Mandal
R/o Village- Sankhya- Bhagwan Tola, Amdabad, P.S.- Amdabad, District-
Katihar, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Advocate Mr.Rupesh Kumar, Advocate
For the Opposite Party/s :		Mr.Anish Chandra, APP Mr.Raghvendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-11-2025 Heard Mr. N.K. Agrawal, learned senior counsel
for the petitioner and learned APP for the State duly
assisted by Mr. Raghvendra Kumar Singh, learned
counsel for the informant.

2. The accused-petitioner, named in the F.I.R.,
is apprehending his arrest in connection with
Amdabad P.S. Case No. 131 of 2025 registered for
the offences punishable under Sections 115(2),
126(2), 64, 3(5) of the of the Bhartiya Nyay Sanhita,
2023 (in short, the 'B.N.S.').

3. The allegation against the petitioner is to
commit rape upon the informant, who is aged about
20 years, on false pretext of marriage.



4. Mr. N.K. Agrawal, learned, learned senior counsel appearing on behalf of the petitioner submitted that admittedly as per FIR, informant was in live-in-relationship with the petitioner since last four years of lodging this FIR. It is pointed out by Mr. Agrawal that when for any of social or family reasons marriage of informant could not solemnized with the petitioner, the present false implication was raised. It is submitted that petitioner is a man of clean antecedent and is a government teacher.

5. Arguing further, Mr. Agrawal submitted that any corporeal relations 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 **Pramod Suryabhan Pawar Vs. State of Maharashtra & Anr.** reported in **(2019) 9 SCC 608.**

6. Learned A.P.P. for the State duly assisted by Mr. Raghvendra Kr. Singh, learned counsel appearing for the informant, while opposing the prayer for anticipatory bail of the petitioner, submitted that informant was abused sexually even before when



she was 18 years old and she was in live-in-relationship with the petitioner since last four years as per FIR and presently she is only 20 years. However, learned counsel could not disputed the factual and legal submission as advanced by learned senior counsel appearing for the petitioner.

7. 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 false promise of marriage, where admittedly informant was in live-in-relationship with the petitioner for couple of years prior to lodging of this FIR, 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 C.J.M., Katihar/concerned court in connection with Amdabad P.S. Case No. 131 of 2025, 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.").



Rajeev/-

(Chandra Shekhar Jha, J)

U		T	
---	--	---	--

