

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45390 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- RUPAULI District- Purnia

Hira Kumar S/o- Ramotar Mehara Resident of Village- Bhatouni PS- Puraini District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Chanchal Kumari D/o- Pulkit Ram Village- Rauniya Ps- Barari Dist- Katihar
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-10-2025 Heard Mr. Rajesh Kumar Mishra, learned counsel
for the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Rupauli P.S. Case No. 39 of 2025 for the offence punishable under Sections 64, 126(2), 115(2), 352, 351(2), 351(3) 3(5) of the BNS lodged on 05.03.2025 by the informant.

3. The prosecution story, as per FIR in brief, is that the informant has allegedly been sexually misused on so many occasions on the pretext of promise of marriage by this petitioner and as soon as she asked for the marriage, the petitioner along with his family members refused even to identify her. It has further been alleged that when she came to know that the petitioner is planning to marry somewhere else, she informed about the incident to her father. Then her father along with his brother went



to the house of the petitioner for marriage negotiation where the petitioner's family members abused them and threatened of dire consequences. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to personal grudge and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that from the FIR itself, it is evident that the informant, who is major and having a sound mental health and out of the love and with consent, the relationships were established and the petitioner was ready to marry but because of the adamant behaviour of the family members of both the sides, the relationship has reached to a level, where the possibility of the marriage has become very bleak, for which both the sides are responsible and has made false allegation against the petitioner that he, on the pretext of marriage, has had physical liaison several times.

5. Learned counsel further submits that while establishing physical relationship, the consequences were well known to both the sides and specially, when the informant is a major and educated lady. It has next been submitted that pursuant to the order of this Court dated 21.07.2025, the case diary was called for. By referring to the materials available in the case diary, it has been pointed out that the victim was medically examined



and the doctor did not find any sign of sexual assault or rape. From the statement of witnesses recorded in the case diary, it is revealed that the sexual relationship was established between them, which was consensual in nature.

6. Learned counsel for the petitioner, at this stage, referring to the various judgment rendered by the Hon'ble Supreme Court in the case of *Ansaar Mohammad v. The State of Rajasthan & Anr* passed in **Criminal Appeal No. 962 of 2022 @ SLP (CRL) No. 5326 of 2022**, *Naim Ahamed v. State (NCT of Delhi)* reported in **2023 SCC OnLine SC 89** and *Amol Bhagwan Nehul v. State of Maharashtra & Anr.* reported in **2025 SCC OnLine SC 1230** submits the Hon'ble Apex Court in the aforementioned cases has held that the girl who alleged to have established physical relationship with a person on the promise of marriage is always aware of the consequences and while being aware of such consequences, if such acts are committed, then no criminality could be found out in such relationship, which has been established with consent and both the informant as well as the petitioner are said to be major and are well aware of the consequences and since the family members of the petitioner were not ready for solemnizing the marriage between them, the marriage could not be materialized.

7. On the other hand, learned APP vehemently opposes



the prayer for anticipatory bail of the petitioner submitting that the informant herself has given a written statement alleging that she has been used sexually by the petitioner times without number on the promise of marriage which the petitioner did not honour.

8. Considering the aforesaid submissions of the parties and taking note of the fact that both the victim as well as the petitioner are major and sexual relationships were established with mutual consent, and no criminality could be found out in the relationship as per the Hon'ble Apex Court judgment and the marriage is said to have failed due to adamant behaviour of the family members of both the parties, this Court is inclined to extend him the privilege of anticipatory bail.

9. Let the petitioner, above named, be released on bail, in the event of arrest or surrender within a period of four weeks, from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial



Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Ajit Kumar, J)

perwez

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

