

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46962 of 2025

Arising Out of PS. Case No.-56 Year-2024 Thana- MAHILA P.S. District- Purnia

Md. Sarfaraj Alam @ Sarfaraj son of Abdul Rajaque village- Panki, Ps-
Routa, Dist- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. NK Agrawal, Sr. Adv.

Mr. Bidhu Ranjan, Adv.

Mr. Kumar Rajdeep, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-11-2025 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Mahila P.S. Case No. 56 of 2024 registered for the offences punishable under Sections 64, 352, 351(2), 3(5) of BNS.

3. As per allegation rape was alleged to be committed upon the informant aged about 30 years on false pretext of marriage.

4. It is submitted by Mr. NK Agarwal, learned senior counsel appearing on behalf of the petitioner that the informant is major aged about 30 years, was in live-



in-relationship with petitioner since 2022 and when for any of the family/ social reason marriage of petitioner could not solemnize with informant present false case was raised. Learned senior counsel submitted that corporeal relationship on false pretext of marriage could not be termed as rape, for which learned senior counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Ansaar Mohammad vs. State of Rajasthan*** reported in ***2022 SSC OnLine SC 886***. While concluding arguments, it is submitted that petitioner is a man of clean antecedent.

5 Learned APP opposes the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of 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 petitioner before two years of this occurrence, accordingly petitioner above-named, in the event of his arrest or surrender before the court below



within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Addl. Sessions Judge I, Purnea /concerned Court, where the case is pending in connection with Mahila P.S. Case No. 56 of 2024, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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