

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50667 of 2025

Arising Out of PS. Case No.-162 Year-2024 Thana- NAUTAN District- West Champaran

Nitesh Kumar @ Nitesh Yadav S/o Vinod Yadav @ Binod Yadav R/o Vill-
Bhabta Gopalpur, P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Neha Kumari D/o- Belas Sahani, R/o- Pandey Tola (Malahi Toli), P.S.-
Nautan, Dist.- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv
For the Opposite Party/s : Mr. Satya Nand Shukla, APP
For the Informant : Ms. Deepshikha, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-11-2025 Heard the parties.

2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Nautan P.S. Case No. 162 of 2024 registered for the offences punishable under Sections 376 and 420 of the Indian Penal Code and Section 67 of the IT Act.

3. As per FIR, which is founded upon complaint case bearing no. 6532 of 2024 as filed before learned Chief Judicial Magistrate, West Champaran, Bettiah, it is alleged that complainant who was 19 years old, was raped repeatedly by accused Nitesh Kumar on 27.02.2024.

4. Learned counsel appearing on behalf of the



petitioner submitted that present complaint was filed after two months of the alleged occurrence, which subsequently converted into FIR for the simple reason as marriage between the parties could not solemnize for certain social/family reasons. It is pointed out that subsequently matter appears compromised between the parties. It is submitted that corporeal relation on false pretext of marriage is not amounting to rape, 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 and Another [(2019) 9 SCC 608]**. While concluding the argument learned counsel submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant, while opposing the prayer for anticipatory bail approved the factum of compromise as submitted aforesaid by learned counsel for the petitioner.

6. In view of the aforesaid facts and circumstances and by taking note of the fact as allegation of rape appears raised on the false pretext of marriage, where differences and disputes between the parties appears compromised, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is



directed to be released on bail, furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) each with two sureties of the like amount
each to the satisfaction of the learned Chief Judicial Magistrate,
West Champaran, Bettiah/concerned trial court where the case is
pending in connection with Nautan P.S. Case No. 162 of 2024
subject to the conditions as laid down under Section 438(2) of the
Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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