

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49773 of 2025

Arising Out of PS. Case No.-61 Year-2025 Thana- MAHINDWARA District- Sitamarhi

Md. Irfan S/o Md. Jakir Mansoor @ Lal Babu R/o vill - Barheta Bishnpur,
ward no. 5, P.S.- Mahindwara, Distt.- Sitamarhi Petitioner/s
Versus

1. The State of Bihar.
2. X, Through the SHO of Mahindwara Police Station D/o Abdul Sakur
Mahindwara Police Station, Distt- Sitamarhi (Mahindwara P.S. Case No.
61/25)
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP
For the Informant : Raj Narayan Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioners seeks bail in connection with

Mahindwara P.S. Case No. 61/2025, registered for the offence

under Sections 64, 3(5) of the BNS, 2023 and Sections 3, 4 of the

POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is

in custody since 21.04.2025.

4. The allegation against the petitioner is to commit

rape upon the informant on false pretext of marriage, who claimed

her age on the date of occurrence as 17 years.

5. Learned counsel appearing on behalf of the petitioner

submitted that the allegation of rape was raised when for any of



the social reasons, the marriage could not negotiated between the parties. It is pointed out that now the parties are ready to solemnize their marriage as a matter of compromise. It is submitted that even corporeal relations on pretext of false 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 & Another***, reported in ***(2019) 9 SCC 608***. While concluding the argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent.

6. Learned APP duly assisted by learned counsel Mr. Raj Narayan Mishra, appearing on behalf of the informant while opposing the prayer of bail approved the factum of compromise between informant and petitioner and also submitted that now petitioner is ready to solemnize marriage with the informant.

7. Considering the aforesaid factual submissions and by taking note of fact as allegation of rape *prima facie* raised in the background of false pretext of marriage, coupled with the fact that investigation of this case is already completed, where petitioner



remains in custody since 21.04.2025, accordingly, above named petitioner is directed to be released on bail in connection with Mahindwara P.S. Case No. 61/2025, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge- 4th Cum Exclusive Special Judge (Rape and POCSO Act), Sitamarhi/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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