

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60688 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- BATHNAHA District- Sitamarhi

Md. Mahfooz S/O Md. Maksud Alam @ Maksud Alam @ Maksud R/O Vill.-
Gajipur Ward no. 16, P.S.- Bathnaha, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX D/O Md. Mojahid R/O Vill.- Gajipur Ward no. 16, P.S.- Bathnaha,
Dist.- Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Bathnaha
P.S. Case No. 100 of 2025 registered for the offences under
Sections 115(2), 352 and 64 of the Bharatiya Nyaya Sanhita and
Sections 4 and 6 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody
since 03.03.2025.

4. As per FIR, petitioner committed rape upon
informant aged about 17 years on the false pretext of marriage.

5. Learned counsel appearing on behalf of the petitioner
submitted that informant and petitioner are next door neighbors
and knowing the fact that petitioner is a married person she was in
relationship with him. It is submitted that infact this victim forced



petitioner to obtain divorce from his wife and thereafter to solemnize marriage with her and when same could not settled, petitioner implicated with present case. It is submitted that even medical report suggest nothing incriminating on its face. 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 it is submitted that, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. Learned counsel appearing on behalf of informant submitted that allegation is specific against this petitioner as to establish physical relation with informant on false pretext of marriage.

8. In view of aforesaid factual submission and by taking note of nature of accusations as victim admittedly was in relationship with petitioner knowing that he is a married person,



coupled with the fact as petitioner remains in custody since 03.03.2025, accordingly above named petitioner, is directed to be released on bail in connection with Bathnaha P.S. Case No. 100 of 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 Judge 4th cum Exclusive Special Judge (Rape and POCSO Act) Sitamarhi/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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