

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51536 of 2025

Arising Out of PS. Case No.-375 Year-2025 Thana- RUPASPUR District- Patna

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Sher Khan S/o Late Shamim Khan Resident of New Millat Colony, Sector-1,
P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pravashankar Mishra, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, A.P.P.
For the Informant	:	Md. Shahrukh Khan, Ms. Savita Ali, Advocates

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 30-08-2025 Heard learned counsel for the petitioner, informant
and the State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under Section 376 of the Indian Penal
Code.

3. As per F.I.R., informant alleged that on false
promise of marriage, this petitioner established physical relation
with the informant and thereafter, refused to marry.

4. Learned counsel for the petitioner submits that
entire case as set out in the F.I.R. is false and concocted.
Informant was major when the relationship developed between
the parties and was fully aware of the consequences of such



relationship which continued for one year. He further submits that acts of repeated intimacy and sexual relationship was consensual in nature and was not established under any false promise, threat or coercion and such, the same cannot be said to be induced or involuntary. As a matter of fact, it is a case of prolonged love affair between two consenting adults which has been given a colour of forcible sexual intercourse with oblique purpose and motive.

5. Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the bail application.

6. Considering the backdrop of the case, nature of accusation, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Danapur, Patna in connection with Rupaspur P. S. Case No. 375 of 2025, subject to condition as laid down under Section 482 (2) of the Bharatiya Nagarik



Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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