

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56711 of 2025**

Arising Out of PS. Case No.-654 Year-2024 Thana- NAANPUR District- Sitamarhi

Nitish Kumar S/o Ramashray Mahto Resident of Village- Pipradhi, P.S.-  
Bajpatti, Dist- Sitamarhi. ... .. Petitioner/s

Versus

1. The State of Bihar.
2. Puja Kumari D/o Late Kishandeo Mahto, R/o vill - Kothiya, P.S.- Katra,  
Distt.- Muzaffarpur. ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate  
For the Opposite Party/s : Mr.Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      12-11-2025                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned Additional Public Prosecutor appearing on  
  
behalf of the State.

2. The accused/petitioner apprehending his arrest in  
  
connection with Nanpur P.S. Case No. 654 of 2024 registered for  
  
the offences punishable under Sections 64, 84 of BNS.

3. As per FIR, petitioner committed rape upon the  
  
informant on false pretext of marriage.

4. It is submitted by learned counsel appearing for the  
  
petitioner that admittedly petitioner was in living relationship with  
  
the informant for long three years prior to lodging this FIR and this  
  
fact was also approved while recording the statement of victim  
  
under Section 183 of the BNSS. The informant is major aged



about 21 years old. It is submitted that when the date of marriage was deferred by this petitioner due to certain reasons, the present false implication was raised. It is submitted that corporeal relationship on false pretext of marriage cannot be termed as 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 & Another***, reported in ***(2019) 9 SCC 608***. It is also submitted that petitioner found involved in one more criminal case, where he is on bail.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual and legal submissions and by taking note of fact as *prima facie* admittedly the informant was in living relationship with petitioner for long three years prior to lodging this FIR, coupled with the fact that the FIR in issue was lodged only when marriage of petitioner with the informant could not solemnize due to certain reasons, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 ADJ-IV-cum-Exclusive Special



Judge (Rape and POCSO), Sitamarhi/concerned Court, where the case is pending in connection with Nanpur P.S. Case No. 654 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

**(Chandra Shekhar Jha, J)**

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