

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58679 of 2025

Arising Out of PS. Case No.-132 Year-2025 Thana- SHASTRINAGAR District- Patna

Deepak Pandey @ Avinash Pandey S/o- Sri Binod Kumar R/o- Chaudhary
Gali Devasthan Mandir Hotel Gali, Raja Bazar Ps- Shastrinagar, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gunja Kumari D/o- Manoj Kumar Village- Raja Bazar Choudhary Gali,
Getwell Hospital, Ps- Hawaii Adda, Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Digvijay Kumar Ojha, Advocate
For the Opposite Party/s	:	Mr. Rajiv Nayan, APP
For the Informant	:	Mr. Devesh Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-09-2025 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the Informant.

2. The petitioner seeks bail in connection with Shastri
Nagar PS Case No. 132 of 2025 instituted for the offences under
Sections 64, 89, 126(2), 115(2), 351(2), 352 & 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

3. As per prosecution case, victim alleged that
petitioner had a five-year relationship with her under the
pretense of marriage. She claimed he had physical relations with
her and forced her to have an abortion in 2023, and later refused
to marry her.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 22-02-2025 and has two criminal antecedents. The petitioner is alleged to have established physical relationship with the victim, who is major, on the assurance of marriage. Subsequently, for one reason or the other, the marriage could not be solemnized and for the said reason, the present case has been instituted. Learned counsel for the petitioner, pertinently, drew the attention of this Court to Annexure-2 of the bail application, wherein order taking cognizance against the petitioner is annexed and it is submitted that court below took cognizance under Section 69, 126(2), 115(2), 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023. Learned counsel for the petitioner has further placed reliance on cases of the Hon'ble Supreme Court since reported in *2018 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors)* and *(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)*, wherein Hon'ble Apex Court observed that sexual relationship between two willing adults cannot be rape under Section 69 of the BNS, 2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of



bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the order of cognizance and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Shastri Nagar PS Case No. 132 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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