

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56463 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- MAHILA PS District- Gopalganj

Ranjan Kumar Srivastava S/o Vikramalal Srivastava @ Bikramalal Resident
of village - Nadawa, Police Station- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pooja Kumari @ Pooja Srivastava D/o Munna Lal Srivastava R/o Dhativana,
P.s.- Thawe, Distt.- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hiralal Gupra, Adv
	:	Mr. Rakesh Kumar Mishra, Adv
For the Opposite Party/s	:	Mr. Anish Chandra, APP
For the Informant	:	Mr. Pankaj Kumar Dubey, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-11-2025 Heard the parties.

2.The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Gopalganj (Mahila) P.S. Case No. 13 of 2025 registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 4 and 8 of the POCSO Act.

3. As per FIR, petitioner established physical relation with informant aged about 20 years on false pretext of marriage, who is none, but the sister-in-law of the elder brother of petitioner.

4. It is submitted by learned counsel appearing on behalf of the petitioner that from the face of FIR, it appears that at the time of lodging FIR the informant was major and just to



aggravate the allegation that she was in physical relationship when she was minor with petitioner, present false implication was raised, when matrimonial discord surfaced between the elder brother of petitioner and elder sister of informant for which a complaint case was lodged on 24.12.2024 bearing no. 2597 of 2024 before learned C.J.M. Gopalganj. It is further submitted that even FIR suggest that the relationship was consensual in nature on pretext of marriage and present FIR was lodged only when informant noticed through social media that petitioner solemnized marriage with someone. 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 Maharastra and Another [(2019) 9 SCC 608]**.

5. Arguing further, it is submitted by learned counsel that informant came to know about the proceeding of this case only after issuing process under Section 82 of the Cr.P.C., but when all matter *qua* delay was brought in the knowledge of the Court, no coercive action was granted to this petitioner. It is submitted that even Hon'ble Supreme Court observed that anticipatory bail be granted to accused person after issuance of process under Section 82 of the Cr.P.C. in the interest of justice



and there is no absolute bar. In support of his submission learned counsel relied upon the legal reports as available through **Srikant Upadhyay and Others Vs. State of Bihar, 2024 SCC OnLine SC 282, Asha Dubey Vs. The State of Madhya Pradesh, SLP (Crl.) 13123 of 2024** dated 12.11.2024. While concluding argument, it is submitted that petitioner found involved in one more criminal case where he is on bail.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that allegation is specific against this petitioner to establish physical relation on false pretext of marriage. However, he could not disputed aforesaid factual and legal submission as advanced. It is pointed out that process under Section 82 of the Cr.P.C. initiated against petitioner on 02.07.2025, but same was concealed from this Court.

7. Let it be so, legal submission suggests that there is no absolute bar to grant anticipatory bail even after issuance of proceeding under Section 82 of the Cr.P.C. in interest of justice, and as the family of petitioner and informant are in litigating terms prima-facie due to matrimonial discord, where admittedly informant was in relationship with petitioner for long three years prior to lodging this FIR, where present case was lodged only when



informant came to know regarding marriage of this petitioner, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Additional District and Sessions Judge-VI-cum Special Judge, POCSO, Gopalganj/concerned Court, where the case is pending in connection with Gopalganj (Mahila) P.S. Case No. 13 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J.)

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