

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62766 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- KARJAIN District- Supaul

Amrendra Mehta @ Amrendra Kumar S/O Devendra Prasad Mehta @
Devendra Mehta R/O Village- Jagdishpur, Ward No.- 6, P.S.- Karjain,
District- Supaul

... .. Petitioner

Versus

1. The State of Bihar
2. Manisha Kumari D/O Asharfi Mehta R/O Village- Jagdishpur, Ward No.- 6,
P.S.- Karjain, District- Supaul

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bindeshwar Prasad Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Singh Shashtri, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Karjain P.S. Case No. 42 of 2025 registered for the offences punishable under Sections 65(2), 89, 352, 351(2), 351(3), 79, 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. As per FIR, allegation against petitioner is to commit rape upon the informant on false pretext of marriage where admittedly informant was in relation with the petitioner for long eight years prior to lodging this FIR.



4. Learned counsel appearing on behalf of the petitioner submitted the informant/victim claimed that since first occurrence, which took place before eight years, petitioner was regularly establishing physical relationship with her on false pretext of marriage and also threatening her to make the video viral of their private moments.

5. It is submitted that when negotiation of marriage was failed due to certain reasons between the parties, the present false implication was raised, particularly when petitioner selected for government job in the education department. It is submitted that petitioner is a man of clean antecedent.

6. It is further submitted that statement of the informant/victim recorded under section 183 of the B.N.S.S., further suggest payment of dowry to petitioner of Rs. 1.5 Lakhs for purchasing motorcycle.

7. It is submitted that any corporeal relations as established on the false pretext of marriage cannot be termed as rape and 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 & Anr.** reported in **(2019) 9 SCC 608.**

8. Learned A.P.P. for the State, while opposing the prayer for anticipatory bail of the petitioner, submitted that allegation of committing rape is specifically available against this petitioner.

9. In view of the aforesaid factual submissions and by taking note of the fact as admittedly the present FIR was lodged in the year 2025 for the occurrence which took place before eight years and since then admittedly informant was in live-in-relationship with the petitioner, coupled with the fact as present implication raised only when the marriage of the informant/victim with petitioner could not solemnized for any of the social reasons, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Supaul/concerned court in connection with Karjain P.S. Case No. 42 of 2025, subject to



the conditions as laid down under Section 438(2) of the
Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha
Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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