

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61397 of 2025

Arising Out of PS. Case No.-22 Year-2024 Thana- AMAUR District- Purnia

Md. Akil @ Akil S/o- Sadir Resident of village- Sahangaon Police station-
Amnour District- Purnea

... .. Petitioner

Versus

1. The State of Bihar
2. Akela W/o- Nooruddin Resident of village- Sahangaon, W.NO-15, Police
station-Amnour District- Purnea

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ajit Kumar Singh, Advocate
For the State	:	Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Amit Kumar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Amour P.S. Case No.22 of 2024, registered under Sections 376, 341, 323, 504, 120(B)/34 of the Indian Penal Code (in short 'I.P.C.'), Sections 6 and 8 of POCSO Act and Sections 66D and 67 of the I.T. Act.

3. The allegation against the petitioner, as per the complaint petition, bearing Complaint Case No. 41 of 2023 as preferred before the A.D.J.-VII-cum-Special Judge POCSO Act, Purnea, which is the basis of the present FIR, is to establish physical relationship with the minor daughter of the informant, aged about 13 years, on false pretext of marrying her. The



occurrence appears to have taken place in the year 2020.

4. It is submitted by learned counsel appearing for the petitioner that for the occurrence which took place somewhere in the year 2020, the complaint was filed in the year 2023. It is submitted that the present implication was raised when for any of social reasons the marriage of petitioner could not solemnized with the daughter of the complainant as the petitioner solemnized his marriage in Saudi Arabia. It is also pointed out that living for long three years in live-in relationship with petitioner and thereafter to raise allegations of rape on false pretext of marriage does not appear convincing on its face. It is pointed out that corporeal relationship in the background of false pretext of marriage cannot be said as rape. In support of his submissions, learned counsel appearing for the petitioner has placed reliance upon the decision of the Hon'ble Supreme Court in the case of ***Pramod Suryabhan Pawar vs. State of Maharashtra and Anr.*** reported in **(2019) 9 SCC 608**.

5. Learned APP duly assisted by learned counsel appearing for the informant while opposing the prayer for bail submitted that at the time of occurrence, the daughter of complainant was minor aged about 13 years as per complaint petition, but he could not deny the delay as to lodge the



complaint and also that the implications was raised only when marriage of petitioner could not solemnized with victim daughter of the complainant.

6. In view of aforesaid factual submissions and by taking note of the fact that as the complaint was lodged with inordinate and unexplained delay of three years, where implication of petitioner, *prima facie*, appears to be raised when his marriage could not solemnized with the daughter of the complainant, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on 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 Sessions Judge 7th -cum-Special Court (POCSO), Purnea, in connection with Amour P.S. Case No.22 of 2024 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'Cr.P.C.)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'B.N.S.S.').

(Chandra Shekhar Jha, J)

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