

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62961 of 2025

Arising Out of PS. Case No.-199 Year-2025 Thana- SAKURABAD District- Jehanabad

Nitish Kumar S/O Pramod Yadav Resident of Village- Chiksaura, Police
Station- Shakurabad, District- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Victim D/O X R/O Village-Y, PS-Shakurabad, Distt-
Jehanabad(informant of Shakurabad PS case no. 199 of 2025)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 02-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Shakurabad P.S. Case No. 199 of 2025 registered for the offences
under Sections 64, 81, 352, 351(2) & 3(5) of the Bharatiya
Nyaya Sanhita and Sections 4 and 6 of the POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody
since 11.07.2025.

4. The allegation against the petitioner is to establish
physical relationship with informant aged about 17 years on false
pretext of marriage and when victim asked petitioner to solemnize
marriage it was refused by saying that she was his time pass.

5. Learned counsel appearing on behalf of the petitioner
submitted that admittedly relationship was established out of



consent. It is pointed out that victim upon medical examination found between age group of 17-18 years and as due to certain reasons when marriage of petitioner could not solemnize with victim the present false allegation was raised against him. 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 Maharashtra and Another [(2019) 9 SCC 608] & Ansaar Mohammad Vs. State of Rajasthan and Another [(2022) SCC OnLine SC 886]**. While concluding the argument it is submitted that, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid factual submission and by taking note of fact as allegation of rape appears to be raised on false pretext of marriage, coupled with the fact as petitioner remains in custody since 11.07.2025, accordingly above named petitioner, is directed to be released on bail in connection with Shakurabad P.S. Case No. 199 of 2025 on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge POCSO, Jehanabad/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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