

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63091 of 2025

Arising Out of PS. Case No.-114 Year-2025 Thana- MIRGANJ District- Purnia

Md. Mahboob Alam S/O Rajaul Ansari Resident of Village- Khedlichak
Chharapatti, P.S.- Mirganj, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Ashiyana Khatoon D/O Mumtaz Ansari R/O Village- Khedlichak
Chharapatti, P.S- Mirganj, Distt.- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-11-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Mirganj
P.S. Case No. 114 of 2025 registered for the offence under
Sections 64, 89 of BNS Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 21.06.2025.

4. As per FIR, petitioner alleged to establish physical
relationship with the informant aged about 21 years on false
pretext of marriage.

5. Learned counsel appearing on behalf of the petitioner
submitted that when for any of the social reasons, marriage of the



informant with petitioner could not solemnize, the present case was lodged. It is submitted that the relationship was consensual being major. It is submitted that corporeal relationship on 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 & Another***, reported in ***(2019) 9 SCC 608***. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. It is submitted that charge-sheet in this matter submitted on 08.08.2025 through charge-sheet no. 161/2025, where the trial of this case was must to conclude thereafter within two months in view of Section 346(1) of the BNSS but same completely defeated and on this ground alone, the petitioner deserves bail. In support of his submissions, learned counsel further relied upon the legal report of Hon'ble Supreme Court as available through ***P. Ramachandra Rao Vs. State of Karnataka*** reported in ***(2002) 4 SCC 578***.

6. Learned APP duly assisted by learned counsel Mr. Sushant Kumar, appearing on behalf of the informant, while opposing the prayer of bail submitted that the allegation of rape is



specifically available against this petitioner, however, he could not disputed the aforesaid legal submissions as advanced.

7. Considering the aforesaid factual submissions and by taking note of fact as physical relationship *prima facie* appears to be established on false pretext of marriage, coupled with the fact that even compliance of time line as provisioned under Section 346(1) of BNSS also not appears followed as to conclude the trial, accordingly, petitioner above named, is directed to be released on bail in connection with Mirganj P.S. Case No. 114 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-I, Purnea/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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