

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63294 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Sonu Kumar S/o- Chandrama Ram Resident of village- Nimiya Bhadauli, P.S.
Kudra, District- Kaimur at Bhabua Petitioner/s

Versus

1. The State of Bihar
2. Aasmani Kumari Daughter of Chhote Lal Ram Resident of village- Kurasan,
P.S.- Bhabhua, Kaimur at Bhabhua Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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 Mahila P.S. Case No. 34 of 2025 registered for the offences punishable under Sections 376, 420 and 34 of the Indian Penal Code.

3. As per FIR, petitioner established physical relationship with informant presently 30 years old, since 2017 on false pretext of marriage.

4. It is submitted by learned counsel appearing on behalf of the petitioner that even in the year 2017 this informant was major about 22 years old. It is submitted that after 8 years present false implication was raised due to certain dispute between the family members. 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]**. While concluding argument, it is submitted that petitioner found involved in one more criminal case, where he is in on bail.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as allegation *qua* rape/physical relationship appears raised on false pretext of marriage and FIR in issue was lodged after delay of 8 years, 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 S.D.J.M. Bhabua, Kaimur/concerned Court, where the case is pending in connection with Mahila P.S. Case No. 34 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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