

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66428 of 2025

Arising Out of PS. Case No.-232 Year-2025 Thana- BAISI District- Purnia

Md. Shamim @ Md. Shamim Raza, S/o Abdul Munaf R/o Village -
Phulbhasa, Minapur, P.S - Baisi, District – Purnea. Petitioner/s
Versus

1. The State of Bihar.
2. Ghulam Mohammad S/o Late Md. Abbas R/o Phoolbasa, ward No.- 17, P.S.
-Baisi, Distt.-Purnea.
... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Bidhu Ranjan, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with Baisi P.S. Case No. 232 of 2025, registered for

the offences punishable under Sections 64, 127(1), 115(2), 351,

352, 3(5) of the BNS.

3. As per FIR, petitioner committed rape upon the

daughter of the informant aged about 20 years on intervening

night of 01.03.2025 on false pretext of marriage.

4. Mr. N.K. Agrawal, learned senior counsel appearing

for the petitioner that as per statement of victim recorded under

Section 180 of the BNSS, it appears that she was in relationship



with this petitioner prior to one year of the date of alleged occurrence. It is submitted that when marriage of the petitioner with the informant could not solemnize for any of social reasons, the present false implication was raised. It is also pointed out that even after the occurrence, the present FIR was lodged with delay of about three and half months. 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***. Petitioner claimed clean antecedent.

5. Learned APP duly assisted by learned counsel Mr. Rashid Zafa appearing on behalf of the informant, while opposing the prayer of bail submitted that the victim categorically stated while recording her statement under Section 183 of the BNSS that she was raped by this petitioner, however, he could not disputed the aforesaid factual submission as submitted aforesaid.

6. Considering the aforesaid facts and circumstances and by taking note of fact as the implication of this petitioner with present case *prima facie* raised in the background of false promise of marriage, accordingly, above named petitioner, in the event of



his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 SDJM, Purnea/concerned Court, where the case is pending in connection with Baisi P.S. Case No. 232 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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