

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66615 of 2025**

Arising Out of PS. Case No.-34 Year-2025 Thana- MAHILA P.S. District- Banka

Rakesh Kumar Pandit @ Rakesh Pandit S/o Dinesh Pandit R/o Village -  
Madaura, P.S - Banka, District - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. X (Alleged Victim) D/o Jagatnarayan Pandit R/o Village - Pokhariya, P.S -  
Banka, District - Banka

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

Mr. Vikas Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, Adv.

Mr. Vibhakar Kumar, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      13-11-2025                      Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Banka Mahila P.S. Case No. 34 of 2025 registered for the offences punishable under Sections 87, 352, 351(2), 64(1), 318(4), 3(5) of BNS and Section 4 of POCSO Act.

3. The allegation against petitioner is to establish relationship with complainant/ informant on false pretext of marriage.

4. Present FIR was lodged on the basis of complaint case dated 21.05.2025 as filed before learned ADJ VI cum



Special Judge POCSO Act, Banka as Spl. POC 23 of 2025.

5. It is submitted by learned counsel appearing on behalf of the petitioner that on the date of lodging complaint the victim was major i.e., more than 18 years and just to implicate in POCSO case, she mentioned the date of occurrence as 19.11.2022. It is submitted that when the complainant was found in compromised position with petitioner by villager, this petitioner was forced to solemnize marriage with the complainant which could not be solemnized due to certain social reasons, due to which the petitioner was implicated with present case on false pretext of marriage and in support of same learned counsel drawn attention of this Court towards para 17 of case diary. It is further submitted that corporeal relation 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 and Anr.*** reported in ***(2019) 9 SCC 608***. While concluding arguments, it is submitted that petitioner is a man of clean antecedent.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that



allegation is specifically available against this petitioner but he could not explain properly that how the present complaint was lodged after about two and a half years of the alleged occurrence.

7. In view of aforesaid factual and legal submission and by taking note of extra ordinary delay of lodging complaint and that too after attaining majority, coupled with the fact that allegation qua establishing physical relationship was raised in the background of the false promise of marriage, 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 Addl. Sessions Judge 6 cum Spl. Judge POCSO, Banka /concerned Court, where the case is pending in connection with Banka Mahila P.S. Case No. 34 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

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