

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66288 of 2025

Arising Out of PS. Case No.-104 Year-2024 Thana- MAHILA P.S. District- Patna

Md Noman Khan @ Md. Noman Son of Sahabuddin khan R/o Village -
Telpur Dewraj, P.S. - Lauriya, District - West Champaran.... .. Petitioner/s
Versus

1. The State of Bihar.
2. Anjum Ara D/o Shamshul Dewan, C/o Anil Kumar Yadav R/o Village -
Radhe Krishan Colony road no. 2, P.S. - Ram Kishan Nagar, Dist. - Patna,
Permanent Resident of Village - Telpur, P.S. - Lauriya, Dist. - West
Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raki Alam, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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 Mahila
P.S. Case No. 104/2024 registered for the offence under Sections
419, 420 and 379 of the Indian Penal Code and Section 66(D) of
the IT Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 27.06.2025.

4. As per FIR, petitioner who was in live in relationship
with the informant aged about 19 years for long 18 months
refused to marry her.

5. Learned counsel appearing on behalf of the petitioner



submitted that admittedly the informant was in live in relationship with petitioner for long 18 months and, therefore, the relationship cannot be termed as rape. In this context, it is pointed out that corporeal relationship on false pretext of marriage cannot be said 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***. It is submitted that investigation of this case is already concluded and charge-sheet in this matter was submitted on 31.07.2025 bearing charge-sheet no. 99/2025, whereafter not even a single prosecution witness was examined which is in complete defiance of legal provisions as available under Section 346(1) of BNSS.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* allegation of rape appears raised due to non-solemnization of marriage of the petitioner with informant, coupled with the fact that petitioner remains in custody for about five months, where the time line as provisioned under Section 346(1) of BNSS also not appears followed, accordingly, petitioner above named, is directed to be released on bail in connection with Mahila P.S. Case No. 104/2024 on furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Rape and POCSO Act), Patna/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)

veena/-

U		T	
---	--	---	--

