

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66503 of 2025

Arising Out of PS. Case No.-167 Year-2025 Thana- SATHI District- West Champaran

Majid Raja @ Shabbu @ Shasbu son of Sheikh Mogir Alam @ Mogir Alam
Resident of Village - Belwa Ward No. - 7, P.S. - Sathi, Dist. - West
Champaran. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s :	Mr.Pramod Kumar Pandey, Advocate
For the Informant :	Mr. Anant Kumar Mishra, Advocate
	Mr. Deepak Kumar, Advocate

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 Sathi
P.S. Case No. 167 of 2025 registered for the offence under
Sections 69/61(2) BNS and Section 66(E) of the IT Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 15.07.2025.

4. The allegation against the petitioner is to commit
penetrative sexual assault/rape upon the informant, aged about 19
years on false pretext of marriage.

5. Learned counsel appearing on behalf of the petitioner
submitted that admittedly the informant was in live in relationship
with petitioner for long three years and, therefore, the occurrence
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***. Learned counsel for the petitioner also submitted that matter was compromised between the parties. It is submitted that investigation of this case is already concluded and charge-sheet submitted long back, 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. Mr. Anant Kumar Mishra, learned counsel appearing for the informant submitted that the matter also compromised between the parties on the assurance that he would solemnize marriage with the informant.

7. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* the allegation of rape raised as marriage of the informant could not solemnize with the informant for certain social reasons, coupled with the fact that the investigation of this case is already concluded, where petitioner remains in custody since 15.07.2025 and further 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 Sathi P.S. Case No. 167 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 Exclusive Special Judge Rape and POCSO, Bettiah, West Champaran/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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