

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71293 of 2025**

Arising Out of PS. Case No.-123 Year-2025 Thana- BAISI District- Purnia

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Abu Nasar Son of Haji Manzoor Resident of Hathibandha PS -Baisi District-  
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                    |   |                                                                                            |
|--------------------|---|--------------------------------------------------------------------------------------------|
| For the Petitioner | : | Mr. N.K. Agrawal, Sr. Advocate<br>Mr. Kumar Rajdeep, Advocate<br>Md. Fazle Karim, Advocate |
| For the State      | : | Dr. Mrityunjaya Kr.Gautam, APP                                                             |
| For the Informant  | : | Mr. Raj Kumar, Adocate                                                                     |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      13-10-2025                      Heard learned senior counsel appearing on behalf of  
  
the petitioner, learned APP appearing on behalf of the State and  
  
learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case  
  
registered for the offence punishable under Sections 64(1),  
  
127(1), 115(2), 303(2), 351, 352 and 3(5) of the B.N.S..

3. As per prosecution case, it is alleged that on the  
  
false pretext of marriage, this petitioner established physical  
  
relations with the informant and later on, refused to solemnize  
  
marriage. It is further alleged that when the informant went to



the house of this petitioner to protest, in the meantime, all the F.I.R. named accused persons, including this petitioner, assaulted her.

4. It is submitted by learned senior counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. The entire prosecution case, as set out in the F.I.R., is out and out false, fabricated and concocted. As a matter of fact, from bare perusal of the F.I.R. it is apparent that both parties knew each other since long and with the passage of time, relationship developed. At the time when the relationship developed, both of them were major and were fully aware of the consequences of such a relationship. The relationship was consensual between two consenting adults and both of them enjoyed each others company for three long years. It is further submitted that only because the relationship could not continue and failed, the same does not amount to rape. The victim in her statement recorded under Section 183 of the B.N.S.S. has also stated that she was in relationship with this petitioner for the last three years. Rest of the allegations are ornamental in order to make the case grave. Petitioner claims clean antecedents.



5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that on the false pretext of marriage, this petitioner established physical relations with the informant and later on, refused to solemnize marriage and also assaulted her when she went to make complaint.

6. Considering the rival submissions advanced on behalf of learned counsel for the parties and the fact that from bare perusal of the prosecution case it is apparent that at the time when the relationship developed between the parties, both of them were major and enjoyed each others' company for three long years the same cannot be said to be inducted or involuntary and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection



with Baisi P.S. Case No. 123 of 2025, subject to condition as  
laid down under Section 482(2) of the B.N.S.S..

**(Prabhat Kumar Singh, J)**

shashank/-

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