

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74176 of 2025

Arising Out of PS. Case No.-263 Year-2025 Thana- HISUWA District- Nawada

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Bishnukant Bharti @ Bishnu Kumar @ Bishnu Sharan @ Bharti Son of
Ramakant Ravidas @ Ramakant Raman Resident of Village - Budhaul, Police
Station - Hisua, District - Nawada

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Daughter of Y Resident of Village- Lakhaura, Po- Rasalpur, Ps- Sitamarhi,
Dist- Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar
For the Opposite Party/s : Mr.Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2025 Heard the parties.

2.The petitioner is named in the F.I.R. and
apprehending his arrest in connection with Hisua P.S. Case
No. 263 of 2025 registered for the offences punishable under
Sections 376(1), 506, 34 of IPC (64, 351(2)(3), 3(5) of
BNS) and Section 6 POCSO Act.

3. The allegation against petitioner is to establish
physical relationship for long 6 years against this petitioner on
false pretext of marriage.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that the present FIR was lodged after



6 years of the occurrence where admittedly the victim lived with petitioner for long 6 years in live-in-relationship. It is submitted that allegation of rape after living with petitioner for long 6 years is completely false and baseless. In support of his submission learned counsel submitted that relation on false pretext of marriage cannot be termed as rape. 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***. It is also submitted that the FIR was lodged under POCSO Act only to aggravate the allegation presuming that at the time of first occurrence the victim was 17 years, whereas at the time of lodging FIR, admittedly she was about 23 years old. While concluding arguments, it is submitted that above named petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact as the victim who was admittedly major at the time of lodging of FIR further admitted in FIR



itself that she was in live-in-relationship with petitioner for long 6 years, 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 District and Addl. Sessions Judge VIth cum Special Judge, POCSO Act, Nawada/concerned Court, where the case is pending in connection with Hisua P.S. Case No. 263 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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