

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73827 of 2025

Arising Out of PS. Case No.-267 Year-2025 Thana- AMAUR District- Purnia

Md. Dilwar @ Dilwar S/o Jahirul @ Jaharul R/o Village- Simalbari, Tola-Dilli Tola, Ward No 09, Panchayat - Talbadi, PS- Amour, Dist- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Amour P.S. Case No. 267 of 2025 registered for the offences punishable under Sections 64, 352, 351(2)/3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioner is to commit penetrative sexual assault upon the informant aged about 23 years on 30.04.2025 at about 8:30 P.M., whereafter promise of marriage was advanced by the petitioner to the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that for the occurrence dated



30.04.2025, the present FIR was registered on 19.06.2025.

It is pointed out that when for some social reasons the marriage of the petitioner could not solemnized with the informant, the present false case was lodged.

5. It is submitted that any corporeal relations as established on the 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 **Ansaar Mohammad Vs. State of Rajasthan and others** reported in **2022 SSC Online SC 886**. However, petitioner is a man of clean antecedent.

6. Learned A.P.P. for the State could not disputed the factual submission as advanced by learned counsel appearing for the petitioner.

7. In view of the aforesaid factual submissions and by taking note of the fact as allegation of rape appears to be raised under the garb of false pretext of marriage, coupled with the fact that petitioner is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail



bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned J.M. - 1st Class, Purnea/concerned court in connection with Amour P.S. Case No. 267 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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