

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73157 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- RAJPUR District- Rohtas

Yogesh Pathak @ Jagesh Pathak S/O Anil Pathak R/O Vill - Rajpur, P.S.-
Rajpur, Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Namita Mishra, Sr. Adv. Mr. Chhote Lal Mishra, Adv.
For the Opposite Party/s	:	Mr. Jyoti Prasad, Adv.
For the Informant	:	Mr. Ashok Kr. Dubey, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Rajpur P.S. Case No. 57 of 2025 registered for the offence under Sections 318(4), 81, 64, 303(2) of BNS.

3. The petitioner is named in the F.I.R. and is in custody since 06.08.2025.

4. The allegation against the petitioner is to commit rape upon informant on false pretext of marriage where as per FIR informant who is 28 years old was in relationship with petitioner since 2016 and was working together with CSP Branch of State Bank of India (SBI).

5. Mrs. Namrata Mishra, learned senior counsel appearing on behalf of the petitioner submitted that



admittedly as per FIR the informant was in live-in-relationship with petitioner since 2016. It is submitted that when for any of the social reason the marriage of the petitioner could not solemnize with informant who is 28 years old in 2025, the present false implication was raised. It is submitted that the corporeal relationship on false pretext of marriage cannot be termed as rape and in support of her submission learned senior 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***. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Ashok Kr. Dubey, learned counsel for the informant while opposing the prayer of bail submitted that the allegation of rape is specifically available against this petitioner and this marriage could not solemnized only when heavy amount of dowry was



demanded. It is submitted that petitioner taken money from informant on several occasions and out of relation informant/ victim become pregnant who subsequently aborted on instance of this petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as admittedly the informant was in relationship with petitioner since 2016 and allegation of rape was raised in the background of false pretext of marriage, coupled with fact that investigation of this case already completed where petitioner remains in custody since 06.08.2025, accordingly petitioner above named, is directed to be released on bail in connection with Rajpur P.S. Case No. 57 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 CJM, Rohtas /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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