

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79305 of 2024

Arising Out of PS. Case No.-279 Year-2024 Thana- GURUA District- Gaya

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Raj Nandan Kumar S/O Bijoy Chaudhary Resident of Village-Sawkala, P.S-
Amas, Dist- Gaya. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-01-2025 1. 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 Gurua

P.S. Case No. 279 of 2024 registered for the offence under

Section 64(2)(M) of B.N.S. 2023.

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

is in custody since 23.08.2024.

4. The allegation against the petitioner is to commit

rape upon the informant aged about 20 years on false pretext

of marriage.

5. Learned Counsel appearing on behalf of the

petitioner submitted that the victim/informant categorically

accepted love affairs with petitioner while recording her



statement under Section 164 of Cr.P.C. It is pointed out that the victim was of 20 years old at the time of occurrence as same is apparent from the face of FIR. It is submitted that the face of FIR suggest that the informant was acquainted with petitioner since last four years, during which on several occasions physical relation was established and when on repeated request the marriage could not solemnize, the present false implication was raised. It is submitted that the allegation as raised by the informant *prima facie* does not constitute offence of rape in view of the legal report of Hon'ble Supreme Court as available through ***Pramod Suryabhan Pawar Vs. State of Maharashtra*** reported in ***(2019) 9 SCC 608*** and also ***Ansaar Mohammad Vs. State of Rajasthan*** reported in ***2022 SCC OnLine SC 886***, wherein it has been categorically held that the entering into any kind of corporal relationship with a person on the pretext of getting marriage cannot be termed as rape. While concluding the argument, it is submitted that the investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with



the evidence. Petitioner claimed to be a man of clean antecedent.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances and by taking note of fact as the allegation of rape *prima facie* raised on false pretext of marriage where admittedly informant was in relationship with petitioner for long four years, coupled with the fact that investigation of this case is already completed, where petitioner is in custody since 23.08.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Gurua P.S. Case No. 279 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-3rd, Sherghati, Gaya/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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