

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73619 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- BAISI District- Purnia

Aftab S/o Munna R/o vill - Mobaiyya, P.S.- Baisi, Distt.- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Rashid Izhar, Advocate Mr.Syed Mohammad Ibrahim Quli, Advocate
For the Opposite Party/s :	Mrs.Renu Kumari, APP Mr.Sumit Kr.Bhagat, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2025 Heard learned counsel for the petitioner and learned

APP for the State duly assisted by learned counsel for the

informant.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Baisi P.S. Case No. 116 of 2025 registered for the offences punishable under Sections 127(1), 115(2), 76, 303(2), 318(4), 64, 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioner is to establish physical relationship with the informant/victim who is 23 years old on the false pretext of marriage.

4. Learned counsel appearing on behalf of the



petitioner submitted that admittedly the informant, who was aged about 23 years at the time of lodging this FIR, was in relationship with the petitioner since last two years. It is submitted that when for any of the social reason, the marriage of informant with petitioner could not solemnized, the present false implication was raised. Petitioner is a man of clean antecedent.

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 **Pramod Suryabhan Pawar Vs. State of Maharashtra & Anr.** reported in **(2019) 9 SCC 608**.

6. Learned A.P.P. for the State duly assisted by learned counsel appearing for the informant, while opposing the prayer for anticipatory bail of the petitioner, could not disputed the aforesaid factual submission, however it is submitted that allegation is specific against the petitioner.

7. In view of the aforesaid factual submissions and by taking note of the fact as the allegation of establishing physical relationship *prima facie* raised against petitioner in



the background of false promise of marriage as submitted aforesaid, where 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 Chief Judicial Magistrate, Purnea/concerned court in connection with Baisi P.S. Case No. 116 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)

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