

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77301 of 2025

Arising Out of PS. Case No.-72 Year-2022 Thana- RAUTA District- Purnia

Jamshaid @ Jamshed, S/o Late Jabir @ Javir, R/o Village-Moujabari,
Maulabari, P.S.- Rauta, District- Purnea

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with G.R. No.2268 of 2022 arising out of Rauta P.S. Case No.72 of 2022 registered under Sections 341, 323, 376, 504, 506 and 509 read with 34 of the Indian Penal Code.

3. As per FIR, the petitioner has been alleged to establish physical relationship with informant aged about 23 years on false pretext of marriage and finally refused to marry her.

4. It is submitted by learned counsel that as per FIR itself that the informant was in relationship with petitioner for



long two years prior to lodging this FIR, who is aged about 23 years. It is submitted that when for any of the social reason, the marriage of petitioner could not solemnized, the present false case was lodged by the informant. It is submitted that allegation *qua* occurrence dated 13.04.2022 was raised to aggravate the allegation and no such occurrence took place as alleged. It is submitted that any corporeal relationship on the false pretext of marriage cannot be termed as rape. In support of his submission, learned counsel has relied upon legal report of Hon'ble Supreme Court as available through **Pramod Suryabhan Pawar vs. State of Maharashtra and Anr. [(2019) 9 SCC 608]**. The petitioner claimed clean antecedent.

5. Learned APP has opposed the prayer of bail.

6. In view of aforesaid factual and legal submissions, admittedly as per FIR, the informant being major i.e. 23 years old was in relationship with petitioner for long two years prior to lodging the FIR, where present FIR appears to be lodged only when marriage of informant could not solemnized with petitioner, accordingly, the petitioner,



above-named, who is a man of clean antecedent, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Purnea in connection with G.R. No.2268 of 2022 arising out of Rouda P.S. Case No.72 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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