

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74021 of 2025

Arising Out of PS. Case No.-179 Year-2025 Thana- DAGARUA District- Purnia

Sahjada Qureshi Son of Taiyab Koresi Resident of Sanjhaili, P.S -Kasba, Dist. - Purnea at present residing Hichchamoti, Ward no. 1, P.S. - Dagarua, Dist. - Purnea.

... .. Petitioner

Versus

1. The State of Bihar
2. Begam Khatoon D/o Late Queshar R/o Village - Hichchamoti, Ward no. 1, P.S. - Dagarua, Dist. - Purnea.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. N.K.Agrawal, Senior Advocate Mr. Amit Kumar Anand, Advocate
For the Opposite Party State:		Mr. Harendra Prasad, APP
For the O.P. No.2.	:	Mr. Ram Pravesh Kumar, Advocate Mr. Avnish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-11-2025 Heard Mr. N.K.Agrawal, learned Senior Counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the informant.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Dagarua P.S. Case No.179 of 2025 registered under Sections 64, 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. Allegation against the petitioner is to commit rape upon the informant aged about 33 years, who is a divorcee.

4. It is submitted by Mr. N.K. Agrawal, learned Senior Counsel appearing for the petitioner that the informant



admittedly was in live-in relationship with the petitioner since last four years and when for certain social reason, the marriage of the petitioner could not be solemnized with the informant, the present false implication was made. It is submitted that the narration of the FIR suggest that the physical relationship was consensual and only because of non-solemnization of marriage, the present case was lodged. It is pointed out by Mr. Agrawal that any corporeal relationship under false pretext of marriage cannot be termed as rape. In support of his submissions, learned Senior Counsel relied upon the legal report of Hon'ble Supreme Court in the case of **Ansaar Mohammad vs. State of Rajasthan and Ors. [(2022) SCC Online SC 886]**. Petitioner claimed clean antecedent.

5. Learned APP has opposed the prayer for bail.

6. Mr. Avnish Kumar, learned counsel appearing for the informant could not dispute the aforesaid facts and submission advanced by Mr. Agrawal.

6. In view of aforesaid factual submissions and by taking note of the fact that the allegations of rape as aforesaid appears to have been raised in the background of false promise of marriage, coupled with the fact that the petitioner is a man of clean antecedent, accordingly, the petitioner, above-named, 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 Dagarua P.S. Case No.179 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘Cr.P.C.’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘B.N.S.S.’).

(Chandra Shekhar Jha, J.)

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