

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74955 of 2025

Arising Out of PS. Case No.-206 Year-2025 Thana- RAUTA District- Purnia

Arbaz Alam Son of Jawadul Haque Resident of Ward No. 9 Gostara Tola
Kursamuni, P.S.- Rauta, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mazid Alam Son of Late Nizamuddin Resident of Gostara, P.S.- Rauta,
District - Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. NK Agrwal, Sr. Adv
	:	Mr. Bijendra Kumar Singh, Adv
For the Opposite Party/s	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Bipin Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-11-2025 Heard the parties.

2.The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Rauta P.S. Case No. 206 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 64 and 3(5) of the BNS and Section 4 of the POCSO Act.

3. As per FIR, petitioner committed rape upon informant aged about 17 years on 06.06.2025 at about 7:00 PM, when she went outside her house to attend the call of nature.

4. It is submitted by Mr. N.K. Agrwal, learned senior counsel appearing on behalf of the petitioner that FIR itself suggests that before couple of years prior to lodging this FIR this



informant was in relationship with this petitioner and when for certain reasons her marriage could not solemnize with petitioner present false case was lodged. It is submitted that even present FIR was lodged after one month i.e., on 04.07.2025 for the occurrence dated 06.06.2025 without any just explanation. It is submitted that corporeal relation on false pretext of marriage is not amounting to rape, 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 and Another [(2019) 9 SCC 608]**. While concluding arguments, it is submitted that petitioner is a man of clean antecedent.

5 Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that on the date of occurrence informant was minor, but he could not dispute the submission that informant was in relationship with petitioner for longtime prior to lodging this FIR and there was negotiation of marriage talk between them.

6. In view of aforesaid factual submission and by taking note of fact as implication of this petitioner prima-facie appears, when for any of the social reasons marriage of petitioner could not solemnize with the informant, accordingly petitioner above-named,



in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIIth-cum Special Judge, Purnea/concerned Court, where the case is pending in connection with Routa P.S. Case No. 206 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

S.Tripathi/-

(Chandra Shekhar Jha, J.)

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