

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75235 of 2025

Arising Out of PS. Case No.-37 Year-2025 Thana- MAHILA P.S. District- Vaishali

Vikash Kumar S/O Sikandar Sah R/O Village- Mohari, P.S- Tariyani, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Neetu Jha, Adv
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP
For the Informant	:	Mr. Mungeshwar Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2025

Heard the parties.

2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Mahila P.S. Case No. 37 of 2025 registered for the offences punishable under Sections 341, 323, 376 and 506 of the Indian Penal Code.

3. The allegation against the petitioner is to commit rape upon informant, who is a married lady firstly on 02.02.2022 and thereafter on several occasions, on the false pretext of marriage.

4. Mrs. Neetu Jha, learned counsel appearing on behalf of the petitioner submitted that informant is major and a married lady and she was in relation with petitioner for long three years and when this matter came into knowledge of her husband,



present false case was lodged against this petitioner when he refused for solemnization of marriage with informant as she was already married. It is also pointed out that first occurrence was made on 02.02.2022, whereas FIR was registered on 08.05.2025. 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 the argument learned counsel submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant, while opposing the prayer for anticipatory bail submitted that allegation of rape is specifically available against this petitioner. However, he could not disputed the aforesaid factual and legal submission as advanced by learned counsel for the petitioner.

6. In view of the facts and circumstances and by taking note of the fact as allegation appears raised in the background of false pretext of marriage, where informant is a married lady, coupled with the fact as occurrence was reported after three years of the first occurrence, accordingly the petitioner above named, in



the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Hajipur, Vaishali/concerned trial court where the case is pending in connection with Mahila P.S. Case No. 37 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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