

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75659 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- KHAJEKALA District- Patna

Abhishek Kumar S/o Sri Moti Lal Verma Resident of Village- Sugaon, P.S-
Tehta, District- Jehanabad, Bihar, at present Post Section Engineer, (Signal)
Railway Staff, Vadodara Pali, P.S. - Baroda City Junction, Distt.- Baroda,
Distt.- Gujarat

... .. Petitioner

Versus

1. The State of Bihar
2. Jyoti Kumari D/o Shri Krishna Prasad R/o Kelbari, Back of Kali Asthan,
Sadar Gali, Patna City, Distt.- Patna

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Advocate Mr.Shashank Shekhar, Advocate
For the State	:	Mr.Navin Kr.Pandey, APP
For the Informant	:	Mr.Raju Giri, Sr. Advocate Mr.Harshvardhan, Advocate Mr.Harsh Raj, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-11-2025 Heard Mr. N.K. Agrawal, learned senior counsel

appearing on behalf of the petitioner, Mr. Raju Giri, learned

counsel appearing for the informant and Mr. Navin Kumar

Pandey, learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection

with Khajekala P.S. Case No. 94 of 2024 registered for the

offences under Sections 376 and 420 of the Indian Penal

Code.

3. The accused/petitioner is named in the First

Information Report and is in custody since 26.06.2025.



4. Allegation against the petitioner is to commit rape upon the informant aged about 30 years on false pretext of marriage.

5. Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioner submitted that allegation of rape was raised when negotiation of marriage of informant with the petitioner was failed due to certain family/social reasons. It is submitted that admittedly informant was in live-in-relationship with the petitioner since December 2022 prior to lodging of this FIR.

6. It is submitted by Mr. Agrawal 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.**

7. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is completed, for which charge-sheet has been submitted and, as such, there is no chance of



tampering with the evidence.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. Mr. Raju Giri, learned senior counsel appearing on behalf of the informant, while opposing the prayer of bail of the petitioner, submitted that the thrust of allegation is available specifically against this petitioner and he was absconder for last one year. It is submitted that petitioner was working with Indian Railway. It is submitted by Mr. Giri that intentionally petitioner avoided his appearance before the learned trial court as same is apparent from the order dated 18.06.2025 passed through Cr. Misc. No. 6089/2025, when this petitioner approached this Court for quashing of order of initiation of promulgation under section 82 of the Cr.P.C.

10. In view of aforesaid factual submission and by taking note of the fact as allegation of rape appears to be raised in the background of false promise of marriage, coupled with the fact that investigation of this case is already completed, where petitioner, who is a man of clean antecedent, remains in custody since 26.06.2025,



accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Patna City/concerned court, in connection with Khajekala P.S. Case No. 94 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”) with further condition:

That petitioner shall remain present before the learned trial court on each and every date of hearing, and failure on two consecutive dates of hearing, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Chandra Shekhar Jha, J)

Rajeev/-

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