

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90308 of 2024

Arising Out of PS. Case No.-201 Year-2024 Thana- SULTANGANJ District- Bhagalpur

Priyadarshi Anku S/o- Ashok Kumar Singh, R/o village- Khariya P.S.-
Bariyarpur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-05-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with Sultanganj P.S. Case No. 201 of 2024, registered

for the offences punishable under Section 376 of the Indian Penal

Code.

3. The allegation against the petitioner is to commit

rape upon the informant, who is aged about 19 years old on false

pretext of marriage

4. Learned counsel appearing on behalf of the petitioner

submitted that admittedly informant was living with petitioner and

when for certain social reasons, marriage could not finalized with

informant, the present false case was raised. It is submitted that

any corporeal relation on false pretext of marriage, cannot be said

rape. In support of his submission, learned counsel relied upon the



legal report of Hon’ble Supreme Court as available through **Ansaar Mohammad Vs. State of Rajasthan and Anr.** reported in **2022 SCC OnLine SC 886** and Pramod Suryabhan Pawar Vs. **State of Maharashtra and Anr. reported in (2019) 9 SCC 608.** Petitioner said to be a man of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as allegation of rape raised in the background of false pretext of marriage, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 A.C.J.M.-1st, Bhagalpur/concerned Court, where the case is pending in connection with Sultanganj P.S. Case No. 201 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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