

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10604 of 2026

Arising Out of PS. Case No.-122 Year-2025 Thana- MAHILA P.S. District- Patna

Prashant Kumar @ Prasant Kumar S/o Rana Santosh Bahadur Singh @
Santosh Bahadur Singh R/o Village - Rampur Kala, P.S - Khaira, District –
Saran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Advocate Mr.Raushan Raj, Advocate Mr.Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 12-03-2026 Heard Mr. N.K. Agrawal, learned Senior counsel

along with Mr. Raushan Raj, learned counsel appearing on
behalf of the petitioner and Mr. Manoj Kumar, learned APP
appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 122 of 2025 registered under Section
69, 351(2), 3(5) of BNS.

3. As per the allegation made in the FIR, the minor
informant developed acquaintance with petitioner, who on the
pretext of marriage established physical relationship with her
several times, and later when petitioner's mother refused the
marriage and had threatened her, the petitioner also allegedly
took her mobile phone and Rs. 5,500/- without her consent.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and he has



falsely been implicated in the present case. Learned counsel further submitted that from the perusal of the records it appears that the informant and the petitioner were in love relationship and in the absence of clear indication of deceitful or fraudulent intent it would not amount to rape. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. *Per contra*, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, considering the nature of allegation made in the FIR and the fact that the petitioner and the informant were in love relationship and they have attained the age of adulthood (major) and can decide their own interest, and in the absence of clear indication of deceitful or fraudulent intent at the inception, such circumstances would not ordinarily constitute an offence of rape, the learned District Court is directed to consider the case of the petitioner in light of the law laid down by the Apex Court in the case of ***Naim Ahamed vs. State (NCT of Delhi)*** reported in ***(2023) 15 SCC 385*** in view of the admitted relationship of the petitioner and informant.

7. The learned District Court may consider to refer the



matter, thereafter, to the learned Mediator by fixing the date of appearance of the parties.

8. During the course of entire period involved in resolving the dispute, no coercive steps shall be taken against the petitioner in connection with the aforesaid case.

9. Petitioner is directed to appear before the learned District Court on 24.03.2026.

10. In case of failure on the part of the petitioner, the interim protection granted to him shall lose its force automatically.

11. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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