

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15103 of 2026

Arising Out of PS. Case No.-140 Year-2025 Thana- BALTHAR District- West Champaran

Zobair Alam S/o Sri Late Shekh Habibullah, Resident of Village- Narkatiya
Gauripur, P.S.- Purshotampur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alexander Ashok, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-03-2026 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Balthar P.S. Case No. 140 of 2025 registered for the offence(s) punishable under Sections 115(2), 69, 352, 351(2) and 3(5) of BNS.

3. As per the allegation made in the FIR, petitioner made physical relation with the informant on the false promise of marriage, and, thereafter, refused to marry.

4. Learned counsel appearing on behalf of the petitioner submitted that when the relationship developed between both the parties, they were major. From perusal of the F.I.R., it is apparent that both the parties were in relationship and enjoyed each other's company for about four years and



indulged in sexual act and as such, it cannot be said to be induced or involuntarily. The relationship was consensual.

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

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., it is admitted case that the petitioner was in physical relationship with the informant and the petitioner refused to marry with the informant. In Para-7 of the bail application, the petitioner has informed that the informant is in habit of lodging false cases for extorting money and had also lodged an F.I.R. bearing Purshotampur P.S. Case No. 106 of 2019 against one Naushad Khan under Section 376 and 406 of the Indian Penal Code and after that she has lodged the present F.I.R. against the petitioner on similar allegation to extort money from him.

7. I have also perused the order impugned dated 03.02.2026, the trial court has taken into notice the statement of the victim recorded under Section 183 BNSS and has found that the informant has supported the allegation.

8. The Apex Court has observed that “the complainant was very much capable of understanding the consequences of



her action and if the relationship is not working out, the same cannot be ground for lodging an F.I.R for the offence under Section 376 of I.P.C” in case of *Naim Ahmed Vs. State (NCT of Delhi)*, reported in *2023 SCC Online SC 89* and in the case of *Sonu @ Subash Kumar Vs. State of Uttar Pradesh & Anr.*, reported in *2021 AIR SC 1405*.

9. I modify the order to the extent that the learned trial court is directed to peruse the statement of the victim recorded under Section 183 BNSS and consider the case of the petitioner in light of the law laid down by the Apex Court in *Naim Ahmed (supra)* after analyzing whether the petitioner and the informant were in relationship and the informant was aware of the result of such promise which has been made by the petitioner

10. The bail application stands disposed of.

(Purnendu Singh, J)

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