

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15031 of 2026

Arising Out of PS. Case No.-794 Year-2025 Thana- MANER District- Patna

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Sunil Kumar Son of Mahesh Prasad R/o Khaspur, P.S. - Maner, Danapur,
Chhitnawan, Patna, Bihar - 801502.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ginni Kumari, D/o Rajdeo Prasad, R/o Khaspur, PS- Maner, District- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Purushottam Kumar, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-03-2026 Heard Mr. Purushottam Kumar, learned counsel

 appearing on behalf of the petitioner and Mr. Md. Ataur

 Rahman, learned APP for the State.

 2. The petitioner seeks pre-arrest bail in connection

 with Maner P.S. Case No. 794 of 2025 registered for the

 offence(s) punishable under Section 69, 351(2) and 3(5) of the

 B.N.S.

 3. As per the allegation made in the FIR, petitioner

 made physical relation with 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



complaint, it is apparent that both parties were in relationship for quite sometime and enjoyed each other's company for months together and indulged in sexual act and as such, it cannot be said to be induced or involuntarily. The relationship was consensual. Petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. 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**.

7. In the facts and circumstances of the case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate, Danapur/successor Court in connection with Maner P.S. Case No. 794 of 2025, subject to the conditions as laid down under Section 482 of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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