

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23327 of 2026

Arising Out of PS. Case No.-36 Year-2025 Thana- MAHILA P.S. District- Nawada

Ajahar Ansari Son of Asagar Ansari Resident of Village - Parshadhi, Police
Station - Meskaur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
For the Informant	:	Mr. Arjun Prasad No.1, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 13-05-2026 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner makes a prayer for bail in connection with Nawada Mahila P.S. Case No.36 of 2025, F.I.R dated 21.09.2025 registered for the offences punishable under Sections 69, 89, 352, 351(2), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the informant's neighbour, Ajahar Ansari, induced the informant into a love affair on the false promise of marriage and established physical relations with her between 10.03.2025 and 25.08.2025. It is further alleged that Ajahar Ansari's mother and younger brother supported and assured the informant of the proposed marriage.



During the relationship, the informant became pregnant and was allegedly administered abortion medicine in the fourth month of pregnancy, resulting in miscarriage. Thereafter, the accused refused to marry her. When the informant disclosed the matter to her parents and they approached the accused's family, they were abused and threatened. The FIR was lodged with delay as efforts were being made for compromise through village Panchayati, which ultimately failed.

4. Learned counsel for the petitioner submits that the petitioner has been implicated in the present case on the allegation of establishing a physical relationship with the informant on the false pretext of marriage. It has further been submitted that the informant is a major and was fully aware of the consequences of her actions, and that both families were aware of the love affair between them. It is further submitted that merely due to some bitterness in the relation at the subsequent stage much less upon having come to know of the petitioner's engagement, may not amount to rape when both the parties were in consensual relationship without there being any disinclination shown in establishing physical / sexual relationship; while there is specific allegation of assault being made to her (informant) still, based on such false promise, the



relationship between them were established.

5. Learned counsel for the petitioner, at this stage, referring to the various judgment rendered by the Hon'ble Supreme Court in the case of *Ansaar Mohammad v. The State of Rajasthan & Anr* passed in **Criminal Appeal No. 962 of 2022 @ SLP (CRL) No. 5326 of 2022**, *Naim Ahamed v. State (NCT of Delhi)* reported in **2023 SCC OnLine SC 89** and *Amol Bhagwan Nehul v. State of Maharashtra & Anr.* reported in **2025 SCC OnLine SC 1230** submits the Hon'ble Apex Court in the aforementioned cases has held that the girl who alleged to have established physical relationship with a person on the promise of marriage is always aware of the consequences and while being aware of such consequences, if such acts are committed, then no criminality could be found out in such relationship, which has been established with consent and both the informant as well as the petitioner are said to be major and are well aware of the consequences and since the family members of the petitioner were not ready for solemnizing the marriage between them, the marriage could not be materialized. Lastly, it has been submitted that the petitioner has been in judicial custody since 23.12.2025.

6. At this stage, learned counsel for the informant and



learned Additional Public Prosecutor for the State opposes the prayer for regular bail.

7. Considering the facts and circumstances that the petitioner has been falsely implicated in the present case due to some bitterness after learning about the petitioner's engagement and that the informant is a major and both the families were acknowledged with the love affair and the petitioner is in judicial custody since 23.12.2025, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Sub Divisional Judicial Magistrate, Nawada, in connection with Nawada Mahila P.S. Case No.36 of 2025, subject to the condition that the petitioner shall co-operate in the investigation/trial.

(Ajit Kumar, J)

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