

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27324 of 2025

Arising Out of PS. Case No.-457 Year-2024 Thana- NAANPUR District- Sitamarhi

Vaseem Nadaf @ Wasim Nadaf Son of Md. Janir Nadaf village - Bela Bahadurpur, P.S. - Nanpur, Dist. - Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar
2. Najbin Khatoon @ Najnin Khatoon Wife of Md. Meraj village - Bela Bahadurpur, P.S. - Nanpur, Dist. - Sitamarhi

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 05-01-2026 Heard learned counsel for the petitioner and learned APP for the State duly assisted by learned counsel for the informant.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Nanpur P.S. Case No. 457 of 2024 registered for the offences punishable under Sections 341, 323, 376, 504, 506/34 of the Indian Penal Code.

3. The allegation against the petitioner is to commit rape upon the informant/O.P. No. 2 on false pretext of marriage. It is further alleged that opposite party no. 2 becomes pregnant out of said relationship and gave birth to a



male child namely, Md. Ahan.

4. It is submitted by learned counsel appearing for the petitioner that present case was lodged falsely after more than two years of the alleged occurrence. It is pointed out that allegation qua sexual assault on the basis of false pretext of marriage was raised in the year 2022-23, however, the FIR in issue was lodged on 09.09.2024.

5. Arguing further, it is submitted that any corporeal relations as established on the false pretext of marriage cannot be termed as rape and 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 others** reported in **2022 SCC Online SC 886** and also **Pramod Suryabhan Pawar Vs. State of Maharashtra & Anr.** reported in **(2019) 9 SCC 608**.

6. While concluding argument, learned counsel submitted that petitioner is a man of clean antecedent.

7. Learned A.P.P. for the State duly assisted by learned counsel for the informant/O.P. No.2, while opposing the prayer of anticipatory bail of the petitioner, submitted that allegation qua sexual assault on the basis of false pretext of



marriage was available specifically against this petitioner. It is submitted that DNA report confirms that petitioner is the biological father of the child namely, Md. Ahan. It is further submitted that the marriage appears not solemnized with the informant/O.P. No.2 suggesting that petitioner was under intention to cheat informant from very inception of establishing physical relationship.

8. In view of aforesaid and by taking note of the fact as DNA report confirms that petitioner is the biological father of the born child namely, Md. Ahan out of alleged physical relationship, accordingly, prayer of anticipatory bail of the petitioner stands rejected for the present.

(Chandra Shekhar Jha, J)

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