

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26654 of 2026

Arising Out of PS. Case No.-239 Year-2025 Thana- DIGHA District- Patna

Pratik Raj S/o Prem Raj R/o Vill- Rajeyan, P.S.- Piro, Distt- Bhojpur at
present Tenant of Niraj Singh, Shivaji Nagar, Road No. 2, Kurji Balupuar,
P.S.- Digha, Distt- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Renu Kumari D/o Sri Bijendra Das R/o Vill- Manorah, P.O. and P.S.-
Punpun, Distt- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Divakar, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 07-07-2026 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner has filed an application for quashing
the cognizance order dated 21.06.2025, passed by the learned
Court of the Additional Chief Judicial Magistrate-IX, Patna in
connection with Digha P.S. Case No. 239 of 2025, whereby the
cognizance has been taken under Sections 69 and 81 of the
B.N.S.S.

3. As per the allegation, the informant and this
petitioner used to work in a hospital, where they fell in love
with each other. On the false pretext of marriage, the petitioner
entered into physical relationship with her and repeatedly told



that he would marry her, thereafter, the petitioner refused to marry her. On 11.04.2025, the informant dialed 112 for help and both the informant and this petitioner were taken to the police station.

4. Learned counsel for the petitioner has submitted that the FIR was registered under Section 64 of the B.N.S. After conclusion of investigation, the charge-sheet came to be filed under Sections 64 and 81 of the B.N.S., but the learned Magistrate took cognizance against the petitioner for offence punishable under Sections 69 and 81 of the B.N.S. without applying his judicial mind. It has further been submitted that the allegation does not constitute the offence either under Section 64 or 69 of the B.N.S.

5. Learned counsel for the State has vehemently opposed the prayer of the petitioner and has submitted that the allegations constitute the offence under Section 69 of the B.N.S. There is clear element that the petitioner by deceitful means and by making promise to marry the informant without intention of fulfilling the same had sexual intercourse with the informant. Although, such sexual intercourse not amounting the offence of rape, the learned Magistrate finding prima facie case true against the petitioner under Section 69 of the B.N.S., rightly



took cognizance of the offences

6. Heard the parties and perused the records.

7. From the perusal of the records, it appears that from the initial inception, the petitioner had entered into physical relationship with the informant on false pretext of marriage without his intention to fulfill the same.

8. The submission advanced on behalf of the petitioner as well as the grounds pleaded in this application, are matters of defence which can only be adjudicated during the trial.

9. In view of the above, this quashing application is devoid of merits and is accordingly dismissed.

(Praveen Kumar, J)

shivam/-

U		T	
---	--	---	--

